

**BLM Colorado Southwest Resource Advisory Council**  
**WILD AND SCENIC RIVER SUITABILITY RECOMMENDATIONS**  
**for the San Miguel and Dolores Rivers and Tributaries**

At the Colorado Statewide Resource Advisory Council (RAC) meeting held on February 25, 2011, the BLM Colorado Southwest RAC adopted Wild and Scenic River suitability recommendations proposed by the RAC Subgroup for the Uncompahgre Resource Management Plan. The following recommendations resulted from an extensive period of public meetings, analysis, and deliberation and will be considered by the BLM in formulating the preferred alternative for the Uncompahgre RMP.

SEGMENT NUMBER & NAME/ELIGIBILITY REPORT PAGE #	BLM ELIGIBILITY CLASSIFICATION	SUBGROUP RECOMMENDATION	NOTES/JUSTIFICATION
<b>14 - Beaver Creek</b> Page 57	Scenic	Suitable for Recreational classification	<p>While mining is not a significant factor within the segment, the subgroup finds that the following issues render the segment better suited to classification as Recreational:</p> <ul style="list-style-type: none"> <li>• The classification would allow for a healthy balance of competing interests: protection of the ORV, while providing reasonable certainty that future water development projects would receive consideration and could move forward with minimal difficulty</li> <li>• The Norwood Water Commission has requested future rights to develop water via a pump station at Goat Creek (a significant project) and development of the Naturita Canal is moving forward</li> <li>• Overall, there was a great deal of public support for suitability. The Recreational classification would allow for development of water rights if the Vegetation ORV continues to be protected.</li> </ul>
<b>15 - Dry Creek</b> Page 59	Wild	Not Suitable	<p>The not suitable recommendation was based upon the following discussion:</p> <ul style="list-style-type: none"> <li>• The area does not receive significant visitation and the terrain protects the canyon to some extent</li> <li>• The biggest threats to the segment are oil and gas development (but there has not been much exploration to date)</li> <li>• ACEC designation as well as No Surface Occupancy (NSO) stipulations are potential management alternatives for the segment being considered during the RMP development process</li> <li>• Because the creek flows intermittently, the contribution of the segment to the National Wild and Scenic River program is questionable</li> <li>• With five miles of private land at the upper end of the segment and three miles of private land between the</li> </ul>

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			<p>segment and the San Miguel River, as well as accompanying senior private water rights, the segment could be difficult to manage</p> <ul style="list-style-type: none"> <li>• A rough 4WD road runs through the segment, making it unsuitable for Wild classification.</li> </ul>
<b>16 - Naturita Creek</b> Page 62	Scenic	Not Suitable	<p>Fish species for which the Fish ORV was assigned are found primarily within private property at the lower end of the segment and the landowners in that portion do not support WSR suitability.</p> <p>While a private landowner (Dave Foley) with property at the upper end of the segment has expressed strong support for suitability, there is uncertainty as to whether a Vegetation ORV can be substantiated in the stretch. The BLM is currently conducting an on-site review. Another landowner (Lockhart) within the segment has a conservation easement on their property.</p>
<b>17 - Saltado Creek</b> Page 64	Wild	Suitable	The subgroup acknowledges and concurs with the strong support for suitability that the segment has received from private property owners.
<b>18 - San Miguel River, Segment 1</b> Page 66	Recreational	Suitable	Overall, there is significant support for a suitable recommendation. While there are concerns regarding uranium and recreational placer mining within the segment, the subgroup believes that the Recreational classification would allow for the continuation of these activities.

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SEGMENT NUMBER & NAME/ELIGIBILITY REPORT PAGE #	BLM ELIGIBILITY CLASSIFICATION	SUBGROUP RECOMMENDATION	NOTES/JUSTIFICATION
<b>19 - San Miguel River, Segment 2</b> Page 70	Wild	Suitable with modifications	There is significant support for a suitable recommendation. The natural geography of the segment drove the subgroup's recommendation that the segment should be shortened to end at the Bennett property in order to protect the landowner's interests at Horsefly Creek, and the corridor should extend only to the canyon rims and end at the confluence with Horsefly Creek.  In addition, the subgroup considered the overall land health to be of great concern for the segment. While the impact of grazing on the Vegetation ORV is addressed to some extent through the current ACEC and Special Recreation Management Area designations, WSR designation would provide longer lasting protections.
<b>20 - San Miguel River, Segment 3</b> Page 73	Scenic	Suitable for Recreational classification	The subgroup recommends that the segment be reclassified as Recreational due to the CC Ditch and a dirt road that runs parallel to the river. In addition, the BLM has two campgrounds along this stretch and there are a significant number of mining claims in the area. This segment is popular for recreation gold mining. The Bennett property, as well as private land at the lower end of the segment, should be excluded from the suitability recommendation.
<b>21 - San Miguel River, Segment 5</b> Page 76	Recreational	Suitable with modifications	The subgroup recommends that the segment be significantly reduced, beginning downstream from the Richards' property, running the length of TNC property, and terminating at the confluence with Tabeguache Creek. In addition, the group recommends that the boundaries of the protective corridor extend rim to rim and be delineated by existing developments and natural barriers (such as the state highway).
<b>22 - San Miguel River, Segment 6</b> Page 79	Recreational	Suitable with modifications	The subgroup recommends that the segment begin downstream of Umetco Minerals Corporation property and terminate at the confluence with the Dolores River. The subgroup will contact the Department of Energy (DOE) regarding the Umetco Minerals Corporation Uravan site. If there is sufficient support, then DOE lands beginning at the bridge below Uravan could be included in the segment.

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SEGMENT NUMBER & NAME/ELIGIBILITY REPORT PAGE #	BLM ELIGIBILITY CLASSIFICATION	SUBGROUP RECOMMENDATION	NOTES/JUSTIFICATION
<b>23 - Tabeguache Creek, Segment 1</b> Page 82	Wild	Suitable	The subgroup recommends that the segment begin at the USFS boundary and end one-quarter mile from private property. The Wild classification complements existing protections in the area, including designation as a specially managed "Area," and provides a good management tool for the BLM.
<b>24 - Tabeguache Creek, Segment 2</b> Page 84	Recreational	Not Suitable	The ability to manage the segment is compromised by significant portions of private land. The private landowners do not support recommending the segment as suitable.
<b>25 - Lower Dolores River</b> Page 88	Scenic	Suitable with modifications	The subgroup recommends that the segment be shortened to exclude private property (ending at the Weimer property). In addition, the corridor boundary should be modified to protect mining claims and delineated on the east side by the highway and on the west side by a geographic marker such as the canyon rim or other natural feature.
<b>26 - North Fork Mesa Creek</b> Page 91	Scenic	Not Suitable	Due to a review by the Colorado Natural Heritage Program that lowered the rarity ranking of the Narrowleaf cottonwood/strappleaf willow/silver buffaloberry plant community to G3, the segment no longer possesses an ORV to support eligibility.
<b>27 - Dolores River, Segment 2</b> Page 94	Recreational	Suitable with modifications	The subgroup recommends suitability for the public land portion of the segment (5.3 miles), but not for private land portions (6.2 miles). In addition, the group recommends aligning the protective corridor to exclude the Buck Shot Mine and associated ROW. The segment boundary would follow the cliff line if less than one quarter mile from the river center.
<b>28 - Ice Lake Creek, Segment 2</b> Page 98	Scenic	Not Suitable	The subgroup recommends that the segment be found not suitable based upon the following discussion: <ul style="list-style-type: none"> <li>• Mining occurs on the mesa along the northern end of the segment</li> <li>• The segment length is extremely short</li> <li>• The segment terminates on private land, which could make the area more difficult to manage.</li> </ul>

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SEGMENT NUMBER & NAME/ELIGIBILITY REPORT PAGE #	BLM ELIGIBILITY CLASSIFICATION	SUBGROUP RECOMMENDATION	NOTES/JUSTIFICATION
<b>29 - La Sal Creek, Segment 1</b> Page 100	Recreational	Not Suitable	Extensive private land would make the segment difficult to manage. A significant number of private landowners do not support finding the segment suitable.
<b>30 - La Sal Creek, Segment 2</b> Page 102	Scenic	Suitable for Recreational classification with modifications	The subgroup recommends that the segment be found suitable with the following modifications: <ul style="list-style-type: none"> <li>• Change the classification from Scenic to Recreational in order to accommodate potential future mining activities and road improvements</li> <li>• Shorten the segment to end at and exclude the Cashin Mine.</li> </ul>
<b>31 - La Sal Creek, Segment 3</b> Page 104	Wild	Suitable	The subgroup recommends that the segment be classified as Wild due to the pristine, wild, and remote character of the area. In addition, the segment provides critical habitat for warm water fish.
<b>32 - Lion Creek, Segment 2</b> Page 107	Scenic	Not Suitable	The subgroup recommends that the segment be found not suitable due to the short length, as well as a measure of self-protection already afforded by the steep slopes of the corridor and restricted access from private land. Land owners within the segment do not support finding the segment suitable.
<b>33 - Spring Creek</b> Page 109	Recreational	Not Suitable	The subgroup recommends that the segment be found not suitable due to the short length and an extensive amount of interspersed private land that could make the segment difficult to manage, as well as a measure of self-protection already afforded by the steep slopes of the corridor.
<b>34 - Dolores River, Segment 1</b> SJPLC Draft Land Management Plan, Page D- 14	Recreational	Suitable for Wild classification with modifications	The subgroup believes that a suitability recommendation complements the Wilderness Study Area designation and is consistent with other WSR designations for portions of the Dolores River outside of the BLM Uncompahgre Field Office. In order to avoid interference with mining operations, the subgroup recommends that the segment begin at the UFO boundary and terminate at the private land boundary (T47N/R18W/Section 31) south of Bedrock, and that the corridor extend from rim to rim or ¼-mile from the high water mark (whichever measure is less).

## 14 - BEAVER CREEK

### **BLM Eligibility Classification: Scenic**

#### **ORVs: Vegetation**

#### **Key Points:**

- A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community for this segment might only be achieved through WSR designation.
- The primary private landowner within the corridor has expressed support for WSR designation.
- Beaver Creek provides value-added flow for the proper hydrologic function of the San Miguel River system and river-dependent resource values (including aquatic and riparian plant and animal species).

#### **River Segment Ownership (in Miles):**

<b>BLM</b>	<b>USFS</b>	<b>State</b>	<b>Private</b>	<b>TOTAL LENGTH</b>	<b>% FEDERAL</b>
14.19			0.06	14.25	99.5%

#### **Land Ownership within One-Half Mile Wide Corridor (in Acres):**

<b>BLM</b>	<b>USFS</b>	<b>State</b>	<b>Private</b>	<b>TOTAL ACRES</b>	<b>% FEDERAL</b>
3,707.4	2.7		583.1	4,293.2	86.4%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

### **Recommendation: Suitable for Recreational Classification**

#### **BASIS FOR RECOMMENDATION**

While mining is not a significant factor within the segment, the subgroup finds that the following issues render the segment better suited to classification as Recreational:

- The classification would allow for a healthy balance of competing interests: protection of the ORV, while providing reasonable certainty that future water development projects would receive consideration and could move forward with minimal difficulty
- The Norwood Water Commission has requested future rights to develop water via a pump station at Goat Creek (a significant project) and development of the Naturita Canal is moving forward
- Overall, there was a great deal of public support for suitability. The Recreational classification would allow for development of water rights if the Vegetation ORV continues to be protected.

## **PUBLIC COMMENT SUMMARY**

### ***Supporting Suitability:***

- The primary private landowner (Heritage Partnership) within the corridor has expressed support for WSR designation.
- San Miguel County expresses support for a finding of suitable based upon the segment's riparian vegetation and primarily federal land.
- Three comments note that flow through the segment is essential for sustaining the riparian community within Beaver Canyon and the health of the San Miguel River.
- Two comments express general support for WSR designation.
- Two comments recommend that the BLM coordinate with the USFS to consider extending the segment into national forest lands in order to protect additional stream-related resources, rather than making the terminus an arbitrary administrative boundary.
- One comment notes that the segment consists almost entirely of federally-managed land, simplifying the effective implementation of protective management if designated.

### ***Opposing Suitability:***

- No comments were received specifically opposing WSR designation for Beaver Creek.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Beaver Creek provides value-added flow for the proper hydrologic function of the San Miguel River system and river-dependent resource values (including aquatic and riparian plant and animal species).

There are no absolute or conditional water rights or impoundments within the segment. Ditch diversions totaling 28 cfs and storage rights totaling 203 acre-feet of decreed water rights upstream of the segment and on tributaries diminish flow through the segment primarily during irrigation season. Conditional water rights totaling 10 cfs for direct flow rights and 6,043 acre-feet of storage rights occur upstream of the segment and on tributaries. If developed, these water rights would be senior to the instream flow water right. The Norwood Water Commission has a conditional water right on the San Miguel River.

The Naturita Canal presently diverts water from Beaver Creek upstream of the segment. The diversion is presently limited to a portion (approximately 60%) of the full decree due to water conveyance limitations of the canal system. As the infrastructure is improved to increase the water carrying capacity of the canal, more of the decree will be diverted, further depleting flows through the segment (based upon personal communication with Colorado Division of Water Resources Water Commissioner Aaron Todd). This water right is senior to both the existing state instream flow and any federal water right associated with designation. In the Statewide Water Supply

Initiative (SWSI 2004), the CWCB identified upper Beaver Creek as a potential dam site to help supply future water needs in the San Miguel Basin.

A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community within the segment might only be achieved through federal designation. The CWCB holds an instream flow water right along a portion of the segment decreed for 5 cfs (from May 1 to June 30) and 2.5 cfs (from July 1 to April 30), which is structured to protect the natural environment to a reasonable extent. The instream flow provides some protection to sustain the Vegetation ORV. A 2.7-mile portion of the segment from the upper terminus to the confluence with Goat Creek is not protected by a water right.

### **LAND OWNERSHIP AND USES**

Land ownership is primarily federal within an approximately one quarter-mile buffer of the creek. Within San Miguel County, over 13% of land in the corridor is private. Private lands on the east side of Beaver Creek are in the Forestry, Agriculture, and Open Zone, which is intended to preserve large, relatively remote areas of the county for resource, agricultural, open space, and recreational purposes. These areas currently have minimum public facilities and services and are considered inappropriate for substantial development. Development and/or special uses are encouraged to be located away from environmentally sensitive land.

Private lands on the west side of the corridor are within the Wright's Mesa Zone District. The district is intended to preserve the rural and agricultural character of Wright's Mesa while encouraging compatible, diverse economic opportunities that complement the rural landscape. Wright's Mesa has a history of co-existing agricultural, ranching, residential, and small business uses that comprise its rural character. The district discourages sprawl patterns typically created by 35-acre lots by offering reasonable alternatives and incentives to cluster buildings, retain open lands, and keep large parcels intact.

The Beaver Creek corridor is closed to OHV use. If developed, a conditional water right on the San Miguel River could require an ROW along portions of Beaver Creek.

### **ROWS**

Numerous BLM ROW authorizations cross or run adjacent to the creek, including distribution and WAPA/Tri-State transmission powerlines, a gas pipeline, a CDOT highway, and a county road. These ROWs are primarily concentrated near the confluence with the San Miguel River.

### **Energy and Mineral Resources**

There are existing oil and gas leases within the segment. Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

### **ADMINISTRATION**

Although compatible with WSR designation, neither the existing Area of Critical Environmental Concern nor the Special Recreation Management Area designation (nor the state instream flow water right) secure sufficient instream flow to sustain the Vegetation ORV.

#### **I4- BEAVER CREEK**

#### **DRAFT WSR SUITABILITY ANALYSIS**

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Few existing roads and trails in the segment somewhat restrict access. WSR designation would complement the BLM Colorado Public Land Health standard for riparian vegetation.

##### ***Potential Costs Associated with WSR Designation***

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORV, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

The costs for administering and managing this segment for the riparian Vegetation ORV would not likely increase much above current funding levels. The segment is remote, has limited trail access, and the riparian zone is primarily federal land managed as an ACEC for riparian protection, factors that assist in protecting the ORV. It is therefore unlikely that additional facilities would be required.

##### ***Alternative Protective Measures Considered***

WSR designation would provide the highest level of protection for the riparian Vegetation ORV by necessitating acquisition of a federal water right that produces a flow rate mimicking natural, seasonal variation. Several existing authorities and segment features provide a lesser level of ORV protection, including an ACEC designation that protects riparian values, an existing state-based instream flow water right, environmentally supportive San Miguel County land use codes, and a high percentage of federally managed land within the corridor.

## I5 - DRY CREEK

**BLM Eligibility Classification:** Wild

**ORVs:** Scenic, Geologic

**Key Points:**

- The segment is within a potential Area of Critical Environmental Concern being considered during development of the Uncompahgre RMP and an area undergoing travel management planning, both of which would provide significant protection for the ORVs.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
10.42		0.07		10.49	99.3%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
2,760.4		80.7	2.8	2,843.9	97.1%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Not Suitable

**BASIS FOR RECOMMENDATION**

The not suitable recommendation was based upon the following discussion:

- The area does not receive significant visitation and the terrain protects the canyon to some extent
- The biggest threats to the segment are oil and gas development (but there has not been much exploration to date)
- ACEC designation as well as No Surface Occupancy (NSO) stipulations are potential management alternatives for the segment being considered during the RMP development process
- Because the creek flows intermittently, the contribution of the segment to the National Wild and Scenic River program is questionable
- With five miles of private land at the upper end of the segment and three miles of private land between the segment and the San Miguel River, as well as accompanying senior private water rights, the segment could be difficult to manage
- A rough 4WD road runs through the segment, making it unsuitable for Wild classification.

## PUBLIC COMMENT SUMMARY

### ***Supporting Suitability:***

- San Miguel County expresses support for a finding of suitable based upon the segment's exceptional visual character.
- Two comments note that Dry Creek traverses a uniquely un-roaded landscape, providing important wildlife support and general ecological vibrancy.
- Two comments state that Dry Creek contributes seasonally significant streamflow to the San Miguel River.
- Two general comments recommend extending the segment upstream of the UFO administrative boundary.
- One comment states that the distinctive scenery and geology of the area—formed in large part by the creek—warrant strong protective management for the stream and corridor.
- One comment states that the nearly 100% federally-managed land along the corridor and extensive federal land beyond the corridor, simplify protective management of the segment.

### ***Opposing Suitability:***

- Montrose County Board of County Commissioners has adopted a resolution opposing WSR designation, stating that it would not be in the best interest of Montrose County citizens.
- One comment notes that the scenic and geological features will not be changed or harmed by not designating the segment.
- One comment opposes designation due to the potential effects on historic uses of the area.
- One comment opposes designation due to the possible negative effects to the local economy.
- One comment states that the segment receives adequate protection through existing federal, state, and local regulations.
- One comment states that designation would create fragmented management systems, making the area more difficult and costly to administer.

## BLM ASSESSMENT

### **WATER RIGHTS AND USES**

There is no instream flow water right protection for the segment. An absolute water right diversion of 5 cfs for irrigation near the lower terminus has seniority over any future instream flow water right associated with designation. Upstream of the segment, absolute water rights include ditch diversions totaling 97 cfs and reservoir storage totaling 170 acre-feet. These rights are also senior to any instream flow associated with WSR designation.

In addition, conditional water rights upstream of the segment include ditch diversions totaling 135 cfs and reservoir storage totaling 136,400 acre-feet. If developed, these water rights would be senior to any instream flow water right associated with WSR designation.

## **LAND OWNERSHIP AND USES**

### ***ROWs and Withdrawals***

Hecla Mining has ROWs for earthen berm water diversion structures and a tank site within the corridor.

### ***Energy and Mineral Leasing***

There are existing oil and gas leases within the segment. According to the State of Colorado Oil and Gas Commission electronic well records database, an abandoned oil and gas well remains within the corridor. Current lode mining claims have a prior existing right to lode mineral deposits. No BLM authorizations exist for these claims.

## **ADMINISTRATION**

### ***Potential Costs Associated with WSR Designation***

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

The costs for administering and managing this segment for the Scenic and Geologic ORVs would not likely increase much above current funding levels. The segment is remote, has limited trail access, and the stream corridor is nearly all (greater than 99%) federal or state managed lands, factors that assist in protection of the ORVs and support the Wild classification. It is therefore unlikely that additional facilities would be needed if the segment was designated. While just under 0.1% of the stream corridor contains private land, there is no known benefit in acquiring this land to support the ORVs.

### ***Alternative Protective Measures Considered***

The segment is within a potential Area of Critical Environmental Concern being considered during development of the Uncompahgre RMP and an area undergoing travel management planning. Implementing travel restrictions would help to protect the area from surface-disturbing activities.

## I 6 - NATURITA CREEK

**BLM Eligibility Classification:** Scenic

**ORVs:** Fish

**Key Points:**

- Numerous conditional water rights in the Naturita Creek drainage are senior to any federal water right associated with WSR designation.
- The Fish ORV is concentrated in the lower reaches of the segment.
- During suitability analysis, BLM staff determined that CWCB appropriation of a state instream flow water right would provide significant protection for the Fish ORV.
- A substantial amount of private land is distributed in a diffuse pattern throughout the corridor.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
9.99			14.98	24.97	40%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
3,238.5	2.3		3,176.6	6,417.4	50.5%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Not Suitable

**BASIS FOR RECOMMENDATION**

The fish species for which the Fish ORV was assigned are primarily found within private property at the lower end of the segment and the landowners in that portion do not support WSR suitability.

While a private landowner (Dave Foley) with property at the upper end of the segment has expressed strong support for suitability, there is uncertainty as to whether a Vegetation ORV can be substantiated in the stretch. The BLM is currently conducting an on-site review. Another landowner (Lockhart) within the segment has a conservation easement on their property.

## PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- San Miguel County expresses support for a finding of suitable based upon the segment's primitive nature and the Fish ORV.

- Two comments state that the rare habitat supports exemplary populations of endangered native fish and species of concern, warranting the strongest possible protection for streamflow, water quality, and riparian vegetation.
- Two comments state that the BLM should coordinate with the USFS to consider extending the segment onto national forest lands in order to protect additional stream-related resources, rather than assigning an arbitrary administrative boundary.
- Two landowners in the upper portion of the segment express support for a finding of suitable.
- One comment notes that Naturita Creek contributes significantly to the flow and health of the San Miguel River and provides essential riparian habitat.

***Opposing Suitability:***

- Montrose County Board of County Commissioners has adopted a resolution opposing WSR designation as it is thought not to be in the best interest of Montrose County citizens.
- Six comments express concern regarding the negative influence that WSR designation would have on existing land and water uses.
- Four comments express concern over the negative effect that WSR designation would have on the socioeconomic future of the area, including impacts to private landowners.
- Three comments state that the large amount of scattered private land would make the segment difficult to manage.
- Three comments note that there would be high potential for jurisdictional disputes over administrative roles and presence in an area with significant amounts of private land.
- Two comments state that ongoing management and protection by the private landowner is preferable to intervention by agencies with potentially conflicting agendas.
- One comment states that WSR designation is unnecessary because the area is not subject to intense development.
- One comment states that WSR designation would fragment the area, making it more difficult and costly to manage.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Naturita Creek provides value-added flow for the proper hydrologic function of the San Miguel River system and river-dependent resource values (including aquatic and riparian plant and animal species).

Five diversion ditches decreed for 2.73 cfs are scattered between the lower and upper terminus and would be senior to any instream flow water right associated with WSR designation. Absolute water right decrees upstream of the segment on the mainstem and tributaries (including Maverick Draw) consist of ditch diversions totaling 1,623 cfs and storage rights totaling 43,000 acre-feet. These water rights cause significant depletion of stream flow through the segment. Changing points of

diversion on existing water rights within the segment could be limited by any instream flow right associated with WSR designation.

Development of conditional water rights would be senior to any instream flow water right established as part of WSR designation and would further diminish flow through the segment. Conditional water rights on the mainstem and tributaries upstream of the segment include ditch diversions totaling 8.4 cfs and storage rights totaling 19,434 acre-feet.

The CWCB holds an instream flow water right decreed for 3 cfs year-round from above the upper terminus (at the Uncompahgre National Forest boundary) to a county road crossing just upstream of the confluence with McKee Draw (4.81 miles) structured to protect the natural environment to a reasonable extent, including the Fish ORV. Due to the many surface water diversions in the creek, this instream flow progressively loses value downstream of the confluence with McKee Draw.

### **LAND OWNERSHIP AND USES**

Almost 50% of the corridor consists of private land encompassing parts of San Miguel and Montrose counties. Portions of the corridor within Montrose County are zoned as General Agriculture in the Montrose County Master Plan. As presently defined in the Montrose County Zoning Resolution, the zone is relatively non-restrictive regarding allowable uses-by-right and uses requiring a special use permit. Many of the uses are not related to agriculture and have the potential to conflict with the intent of the WSR Act.

Portions of the corridor within San Miguel County and to the east and north of Naturita Creek are within the Wright's Mesa Zone District. The district is intended to preserve the rural and agricultural character of Wright's Mesa, while encouraging diverse economic opportunities compatible with the rural landscape. A history of co-existing agriculture, ranching, residential, and small business uses comprise the rural character of the area. The district discourages the sprawl pattern typically created by 35-acre lots by offering alternatives and incentives to cluster buildings, retain open lands, and keep large parcels intact.

Portions of the corridor within San Miguel County and to the south and west of Naturita Creek are within the West End Zoning District. The district is intended to preserve large, relatively remote areas of western San Miguel County for resource, agricultural, open space, and recreational purposes, while protecting private property rights. These areas currently have minimal public facilities and services and are considered premature for substantial development. Development in these areas preserves historical, archeological, and natural resources and landmarks, while allowing individuals to farm, ranch, and use necessary resources with limited intrusion on property rights.

### **ROWS**

Numerous ROWs exist within the corridor, including Highways 145 and 141, county roads, powerlines, telephone lines, a water pipeline, and an access road to private property.

### **Energy and Mineral Resources**

There are existing oil and gas leases within the segment. While portions of the segment are within an area identified by the USGS as having coal potential, the classification does not preclude WSR designation. There are no mining claims within the corridor.

### **ADMINISTRATION**

The diffuse and scattered pattern of private land within the corridor could make this segment difficult to administer. Given the current level of water depletion in Naturita Creek, sufficient flow needed to protect the fish population might need to be acquired from existing decree owners. WSR designation would be consistent with the BLM Colorado Public Land Health standard for special status species.

Proposed management actions include designating the area as a Special Recreation Management Area, as well as conducting travel management planning for Burn Canyon (part of the Norwood Recreation District in Montrose and San Miguel counties).

#### **Potential Costs Associated with WSR Designation**

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORV, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

The costs for administering and managing this segment for the Fish ORV would be substantially higher than current funding levels.

Approximately half (3,177 acres) of the stream corridor is composed of private land with a fragmented pattern throughout most of the reach that could restrict access and limit available management options within the stream corridor. Significant land acquisition from willing sellers would be necessary in order to effectively and proactively manage for the ORV. Some stream channel modification projects might be needed to facilitate fish propagation.

#### **Alternative Protective Measures Considered**

Apart from WSR designation, options for protecting the Fish ORV include actions implemented in accordance with the Range-wide Conservation Agreement and Strategy for Roundtail Chub (*Gila robusta*), Bluehead Sucker (*Catostomus discobolus*), and Flannelmouth Sucker (*Catostomus latipinnis*).

BLM staff determined that appropriation of an instream flow water right below McKee Draw by the Colorado Water Conservation Board would provide significant protection for the Fish ORV.

## I7 - SALTADO CREEK

**BLM Eligibility Classification:** Wild

**ORVs:** Vegetation

**Key Points:**

- A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community might only be achieved through WSR designation.
- Saltado Creek provides value-added flow for the proper hydrologic function of the San Miguel River system and river-dependent resource values (including aquatic and riparian plant and animal species).
- San Miguel County and a local homeowners association support WSR designation.
- The majority of the segment is comprised of contiguous BLM-administered lands, allowing for efficient and cost-effective management if designated.
- There are no roads or water right diversions within the segment.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
4.14			1.42	5.56	74.6%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
1,448.4			313.0	1,761.4	82.2%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Suitable for Wild Classification

**BASIS FOR RECOMMENDATION**

The subgroup acknowledges and concurs with the strong support for suitability that the segment has received from private property owners.

## PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- San Miguel County and a local homeowners association have expressed support for WSR designation.
- Four comments note that Saltado Creek contributes significantly to the flow and health of the San Miguel River and supports stream-related values worth protecting.

- Three comments encourage the BLM to coordinate with other agencies, including the USFS and FWS, to ensure protection of the extended riparian ecosystem.
- Two comments express general support for WSR designation.
- One comment notes that extensive federally-managed land along the lower four miles of the segment would facilitate effective management.

***Opposing Suitability:***

- One comment states that this segment receives adequate protection through existing federal, state, and local regulations.
- One comment states that WSR designation of Saltado Creek would fragment the area, making it more difficult and costly to manage.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community might only be achieved through federal designation. The CWCB holds an instream flow water right along the entire segment decreed for 2 cfs (from May 1 to June 30) and 1 cfs (from July 1 to April 30) and structured to protect the natural environment (including the Vegetation ORV) to a reasonable extent. Water yield through the segment contributes significantly to the proper hydrologic function of the San Miguel River.

There are no water diversions or impoundments within the segment. Absolute water rights upstream of the segment include ditch diversions totaling 39 cfs and storage rights totaling 11.4 acre-feet. These water rights cause some depletion of stream flow through the segment, especially during the irrigation season.

Conditional water rights above the upper terminus include flow diversions totaling 5 cfs and storage rights totaling 15 acre-feet. If developed, these water rights would have seniority over the existing instream flow and any water right established as part of WSR designation, and could further diminish flow through the segment.

### **LAND OWNERSHIP AND USES**

Approximately 18% of the corridor consists of private land within the Forestry, Agriculture, and Open Zone District of San Miguel County. The district is intended to preserve large, relatively remote areas of the county for resource, agricultural, open space, and recreational purposes. These areas currently have minimal public facilities and services and are considered inappropriate for substantial development. Development and special uses are encouraged to be located outside of environmentally sensitive areas.

### ***Special Designations***

The segment is within the San Miguel Special Recreation Management Area and Area of Critical Environmental Concern. The area is closed to OHV use.

#### ***ROWs and Withdrawals***

Numerous BLM ROW authorizations cross or briefly run adjacent to the creek, including distribution and telephone lines, a CDOT highway, two WAPA transmission lines, and the Tri-State Nucla-Sunshine 115 kV transmission project.

While portions of the segment are within an area identified as a federal Power Site, the classification does not preclude WSR designation. The federal government acquired public access easement across private lands adjacent to the creek in the southern upper reach of the segment.

#### ***Energy and Mineral Leasing***

There are existing oil and gas leases within the segment. Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

#### **ADMINISTRATION**

The northern lower reach of the segment has contiguous public land and lack of development, while along the southern upper reach, land ownership is split. WSR designation would be consistent with the BLM Colorado Public Land Health standard for riparian vegetation.

#### ***Potential Costs Associated with WSR Designation***

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORV, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

Costs for administering and managing this segment for the riparian Vegetation ORV would require a moderate increase over current funding levels. The segment is remote, has no developed access, and 82% of the corridor is federal land managed as an ACEC for riparian protection, factors that assist in protecting the ORV.

It is unlikely that additional facilities would be necessary as a result of WSR designation. If available for purchase from willing sellers, private land parcels within the corridor would have added value for ORV protection.

#### ***Alternative Protective Measures Considered***

WSR designation would provide the highest level of protection for the riparian Vegetation ORV by necessitating acquisition of a federal water right that produces flow rates mimicking natural, seasonal variation. However, several existing authorities and segment features provide a lesser level of ORV protection, including: an ACEC designation intended to protect riparian values, an existing state-based instream flow water right, environmentally supportive San Miguel County land use codes, and a high percentage of federally managed land within the corridor.

## I 8 - SAN MIGUEL RIVER, SEGMENT I

**BLM Eligibility Classification:** Recreational

**ORVs:** Scenic, Recreational, Wildlife, Historic, Vegetation, Paleontology

**Key Points:**

- The segment contains a wide array of ORVs.
- A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community for this segment might only be achieved through WSR designation.
- Over 80% of land within the segment is public. Most of the segment is within San Miguel County, which has expressed support for WSR designation. A small portion of the segment is within Montrose County, which opposes designation.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
17.34	0.08		9.81	27.23	64%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
6,679.2	136.0		1,628.8	8,444.0	80.7%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Suitable for Recreational Classification

**BASIS FOR RECOMMENDATION**

The segment has received significant public support for a suitable recommendation. While there was concern regarding uranium and recreational placer mining within the segment, the subgroup believes that a Recreational classification would allow for the continuation of these activities.

## PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- San Miguel County has expressed support for WSR designation.
- Five comments note that the river contributes valuable flow to support downstream river-related values (such as fish and riparian vegetation).
- Four general comments recommend that all San Miguel River segments be found suitable.
- Two comments support WSR designation and recommend that all mineral development be excluded from the corridor.

- One comment states that this segment has unparalleled scenery and attendant natural and cultural features.
- One comment recommends suitability based upon the number and quality of ORVs.
- One comment expresses support for WSR designation, but recognizes the complexities of administering the area due to the patchwork of federal and private land.
- One comment notes that WSR designation would provide recreational opportunities that benefit local economies.
- One comment supports WSR designation to protect the outstanding river canyon setting and one of the last undammed rivers in Colorado.

***Opposing Suitability:***

- Montrose County Board of County Commissioners has adopted a resolution opposing WSR designation as it is thought not to be in the best interest of Montrose County citizens.
- Eleven comments express concern that WSR designation may limit future mining activities within the corridor.
- Nine comments state that existing area designations are sufficient to protect the ORVs.
- Four comments express opposition because of the potential negative impact WSR designation could have on water rights.
- Two comments express opposition because of potential negative impact that WSR designation could have on historic uses in the area.
- Two comments remark that WSR designation would hamper future economic development in the local area.
- Two comments express general opposition to WSR designation.
- One comment expresses concern that WSR designation would fragment the area, making it more difficult and costly to manage.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Water yield through the segment contributes significantly to the proper hydrologic function of the Lower San Miguel River and Dolores River downstream. The CWCB holds two instream flow water rights structured to protect the natural environment to a reasonable extent. The instream flow provides some protection to sustain the ORVs. Instream flow from Deep Creek to Fall Creek provides for a year-round flow of 20 cfs, while the flow from Fall Creek to the lower terminus calls for 93 cfs from May 1 to October 14 and 61 cfs for the remainder of the year. Flow needed to support some recreational boating activities and riparian protection might only be secured through water rights associated with WSR designation.

Approximately six water diversions scattered along the segment are not prominent features in the corridor and do not detract from the natural character of the river. Impoundments upstream of the segment include Trout Lake and Hope Lake on the Lake Fork tributary. There are a few off-channel impoundments within the segment associated with Cascabel Ranch near the lower terminus.

According to a draft BLM San Miguel Instream Flow Assessment, senior water rights on the main stem of the San Miguel River between Horsefly Creek and Naturita Creek divert water downstream of the segment. Much of this water demand is conveyed through the segment, but is limited primarily to the irrigation season.

Estimates from the HydroBase Colorado Decision Support System indicate that there are more than 160,000 acre-feet of conditional storage water rights on either the main stem or tributaries within and upstream of the segment. If developed, these rights could influence flow through the segment.

Much of the water needed to meet future demands would come from conservation practices and development of existing water rights, including some conditional water rights in the San Miguel Basin. Most of these rights are senior to existing instream flow water rights or any instream flow created through WSR designation.

According to a draft BLM San Miguel instream flow assessment, dam sites identified on the main stem are unlikely to be developed given current costs and concern over environmental impacts.

Any new water right or change to existing water rights is limited by the instream flow water right and would contain BLM conditions to ensure compliance with the WSR Act.

## **LAND OWNERSHIP AND USES**

### **Zoning**

A portion of the segment within Montrose County is zoned as General Agriculture in the Montrose County Master Plan. As presently defined in the Montrose County Zoning Resolution, the zone is relatively non-restrictive regarding allowable uses-by-right and uses requiring a special use permit. Many of these uses are not related to agriculture and have the potential to conflict with the intent of the WSR Act.

Portions of the corridor downstream of Beaver Creek and on the southwest side of the San Miguel River are within the Wright's Mesa Zone District in San Miguel County. The district is intended to preserve the rural and agricultural character of Wright's Mesa while encouraging diverse economic opportunities compatible with the rural landscape. Wright's Mesa has a history of coexisting agriculture, ranching, residential, and small business uses that comprise its rural character. The district discourages large-lot patterns of sprawl (typically created through 35-acre developments) by offering alternatives and incentives to cluster buildings, retain open lands, and keep large parcels intact.

The remaining portions of the corridor within San Miguel County are primarily in the Forestry, Agriculture, and Open Zone District. The district is intended to preserve large, relatively remote areas of the county for resource, agricultural, open space, and recreational purposes. These areas currently have minimal public facilities and services and are considered inappropriate for substantial development. Development and/or special uses are encouraged to be located away from environmentally sensitive land.

The incorporated town of Placerville is zoned into two districts: The Placerville Residential Zone District provides areas and design standards for single-family residences surrounding the Placerville Commercial Zone District. The Placerville Commercial Zone District provides standards for commercial establishments located on Front Street in Placerville and at the southwest corner of the intersection of State Highways 62 and 145 west of Placerville. The size of the district cannot be increased.

There are a few planned unit developments along the San Miguel River in the vicinity of the incorporated town of Sawpit. The allowed uses within the planned unit developments are primarily single family housing on large lots (with a minimum of 35 acres). Other uses, such as multi-family housing and neighborhood commercial development, are allowed upon approval from the Board of County Commissioners.

#### ***ROWs and Withdrawals***

ROWs within the segment include four power and nine telephone lines, gas pipelines, private access roads, county roads, a highway, an historic ditch, two WAPA 345-kilovolt power lines, the McKeever drift fence to the USFS boundary, and C-64335 river diversion weirs.

While portions of the segment are within an area identified by the Federal Energy Regulatory Commission as having potential for hydropower development, the Power Site classification does not preclude WSR designation.

#### ***Energy and Mineral Leasing***

There are existing oil and gas leases within the segment. According to the State of Colorado Oil and Gas Commission electronic well records database, there is an abandoned oil and gas well within the corridor.

Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

#### **ADMINISTRATION**

Several private land parcels are scattered throughout the corridor. A small portion of the segment is within Montrose County, which has adopted a resolution opposing WSR designation.

WSR designation would complement BLM Colorado Public Land Health standards for riparian vegetation and wildlife.

#### ***Special Designations***

Most of the segment is within a Special Recreation Management Area and an Area of Critical Environmental Concern.

***Potential Costs Associated with WSR Designation***

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

The costs for managing this segment for the Scenic, Recreational, Wildlife, Historic, riparian Vegetation, and Paleontologic ORVs would be moderately higher than current funding levels. The segment is within an existing SRMA and an ACEC from Placerville downstream, both of which have resulted in additional funding and resource protection actions along the river corridor.

A state highway parallels most of this reach, providing for easy access and use of the river and riparian area.

The segment includes several scattered parcels of private land. The BLM would pursue land acquisition from willing sellers as funding and opportunities arose, which would add value toward management and protection of the ORVs.

***Alternative Protective Measures Considered***

While WSR designation would provide the most comprehensive protection for the ORVs, several existing authorities and segment features provide some lesser level of ORV protection:

- ACEC and SRMA designations emphasize management for riparian and recreation values.
- An existing state-based instream flow water right in the San Miguel River helps to sustain the water-dependent ORVs.
- Development objectives on private lands in most of the segment are within the San Miguel County Land Use Code, which promotes preserving large remote areas for resource, agricultural, open space, and recreational purposes.
- A large portion of private land within the corridor is managed by The Nature Conservancy, which supports a finding of suitability.

In addition, conservation easements could be pursued on select private portions of the corridor, which would be value added in providing protection for the ORVs.

## I9 - SAN MIGUEL RIVER, SEGMENT 2

**BLM Eligibility Classification:** Wild

**ORVs:** Scenic, Recreational, Wildlife, Vegetation

**Key Points:**

- The segment contains a wide array of ORVs.
- The segment is comprised entirely of public lands.
- A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community for this segment might only be achieved through WSR designation.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
3.64	0.37			4.01	100%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
1,112.0	122.7		21.3	1,256.0	98.3%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Suitable for Wild Classification with Modifications

**BASIS FOR RECOMMENDATION**

There was significant support for a suitable recommendation. The natural geography of the segment drove the subgroup's recommendation that the segment should be shortened to end at the Bennett property in order to protect the landowner's interests at Horsefly Creek, and the corridor should extend only to the canyon rims and end at the confluence with Horsefly Creek.

In addition, the subgroup considered overall land health to be of greatest concern for the segment. While the impact of grazing on the Vegetation ORV is addressed to some extent through the current ACEC and Special Recreation Management Area designations, WSR designation would provide longer lasting protections.

## PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- Five comments offer support for finding the entire segment suitable.
- Four comments note the significant contribution of the river's flow to river-related values (such as fish and riparian vegetation) downstream.

- Two comments encourage the BLM to coordinate with other agencies, including the USFS and FWS, to ensure protection of the extended riparian ecosystem.
- Two comments recommend that all mineral development be excluded from the corridor.
- One comment states that this relatively short segment contains unusually undisturbed stream and corridor features, warranting the strongest possible protection.
- One comment notes that land within the segment is 100% federally managed, simplifying the implementation of effective protective management.
- One comment states that WSR designation would provide recreational opportunities that benefit local economies.
- One comment expresses support for WSR designation in order to protect the outstanding river canyon setting and one of the last undammed rivers in Colorado.

***Opposing Suitability:***

- Montrose County Board of County Commissioners has adopted a resolution opposing WSR designation, as it is thought not to be in the best interest of Montrose County citizens.
- Twelve comments express concern that WSR designation may limit future mining activities in the corridor.
- Nine comments indicate that the segment receives adequate protection through existing federal, state, and local regulations.
- Five comments express concern that WSR designation could negatively impact water rights.
- Three comments state that WSR designation could negatively impact historic uses of the area.
- Two comments state that upstream, off channel storage may be necessary and WSR designation would restrict local management of the river water.
- Two comments express general opposition to WSR designation.
- Two comments state that WSR designation would hamper future economic development in the local area.
- One comment states that WSR designation would create fragmented management systems, making the area more difficult and costly to manage.
- One comment expresses concern that WSR designation of this segment could restrict future growth in the West End of Montrose County.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Water yield through the segment significantly contributes to the proper hydrologic function of the lower San Miguel River and Dolores River downstream.

The CWCB holds an instream flow water right along the entire segment decreed for 93 cfs from May 1 to October 14 and 61 cfs the remainder of the year structured to protect the natural

environment to a reasonable extent. The instream flow provides some protection to sustain the ORVs.

There are no absolute or conditional water rights or impoundments within the segment.

If developed, conditional water rights upstream of the segment could influence flow through the segment. Estimates from the HydroBase Colorado Decision Support System indicate that there are more than 160,000 acre-feet of conditional storage water rights upstream of the segment, on either the mainstem or tributaries.

There are a few impoundments upstream of the segment, including Trout Lake and Hope Lake (on the Lake Fork tributary), and a few off-channel impoundments associated with Cascabel Ranch near the lower terminus.

New water rights or changes to existing water rights are limited by the existing instream flow right. If designated, the BLM could add terms and conditions to ensure compliance with the WSR Act.

Senior rights on the main stem of the San Miguel River divert water in the reach between Horsefly Creek and Naturita Creek downstream of this segment (based upon San Miguel legal and institutional analysis). Much of the water demanded by these diversions is conveyed through the segment, primarily limited to the irrigation season.

Much of the water needed to meet future demand in the San Miguel River Basin would come from conservation practices and development of existing water rights, including some of the existing conditional water rights in the San Miguel Basin. Most of these rights are senior to both the existing instream flow water rights and any instream flow created through WSR designation.

According to San Miguel legal and institutional analysis, potential dam sites on the San Miguel River (downstream of Leopard Creek near the confluence with Beaver Creek and above Horsefly Creek) and major tributaries (including Horsefly Creek and Maverick Draw) identified in the 2004 SWSI are unlikely to be developed given current costs and concern over environmental impacts. Saltado Reservoir (with a conditional fill and refill right totaling over 140,000 acre-feet on the San Miguel River downstream of Specie Creek) is included in this assessment.

#### **LAND OWNERSHIP AND USES**

Approximately 1.7% of the corridor consists of private land zoned as General Agriculture in the Montrose County Master Plan. As presently defined in the Montrose County Zoning Resolution, the zone is relatively non-restrictive regarding allowable uses-by-right and uses requiring a fee or special use permit. Many of the uses are not related to agriculture and have the potential to conflict with the intent of the WSR Act.

#### ***Special Designations***

The segment is within an ACEC, as well as a Special Recreation Management Area. WSR designation is compatible with these existing designations.

### ***Withdrawals***

While portions of the segment are within an area classified as having potential for hydropower, the federal Power Site classification does not preclude WSR designation.

### ***Energy and Mineral Resources***

There are existing oil and gas leases within the segment. Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

### **ADMINISTRATION**

There is no road access within the segment.

River flow needed to support some recreational boating activities and provide ample protection for the riparian vegetation might only be secured through water rights associated with WSR designation. Designation would complement BLM Colorado Public Land Health standards for riparian vegetation and wildlife.

### ***Potential Costs Associated with WSR Designation***

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

Estimated costs for administering and managing this segment for the Scenic, Recreational, Wildlife, and riparian Vegetation ORVs would be slightly higher than current funding levels. The river corridor is remote, has limited trail access, and is entirely comprised of federal land, most of which is managed as both an ACEC (for riparian protection) and an SRMA. These designations provide some additional funding necessary for managing and protecting the ORVs.

### ***Alternative Protective Measures Considered***

The area is identified in the Colorado Citizens Wilderness Proposal and the Colorado **Wilderness Act** of 2009 (H.R. 4289) introduced by Congresswoman Diana DeGette. WSR designation would be compatible with wilderness designation and wilderness characteristics.

The segment is within an ACEC, as well as a Special Recreation Management Area.

## 20 - SAN MIGUEL RIVER, SEGMENT 3

**BLM Eligibility Classification:** Scenic

**ORVs:** Recreational, Fish, Wildlife, Vegetation

**Key Points:**

- The segment contains a wide array of ORVs.
- A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community within the segment might only be achieved through WSR designation.
- Sufficient flow for certain recreational boating activities might only be secured with water rights acquired through WSR designation.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
5.30			2.01	7.31	72.5%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
1,880.7			407.6	2,288.3	82.2%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Suitable for Recreational Classification

**BASIS FOR RECOMMENDATION**

The subgroup recommended that the segment be reclassified as Recreational due to the CC Ditch and a dirt road that runs parallel to the river. In addition, the BLM operates two campgrounds along this stretch and there are a significant number of mining claims in the area. This segment is popular for recreation gold mining. The Bennett property, as well as private land at the lower end of the segment, should be excluded from the suitability recommendation.

## PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- Five comments recommend finding the entire segment suitable.
- Four comments note the critical contribution of San Miguel River flows to support downstream river-related values (such as fish and riparian vegetation).

- Two comments stress the need to designate this segment to protect recreational uses and aquatic habitat.
- Two comments express support for WSR designation and recommend that all mineral development be excluded from the corridor.
- One comment notes that private land within the segment is consolidated in one location and would not significantly affect implementing essential protective measures.
- One comment expresses support for suitability without the private lands near the upper terminus of the segment.
- One comment states that WSR designation would provide recreational opportunities that benefit local economies.
- One comment expresses support for WSR designation in order to protect the outstanding river canyon setting and one of the last undammed rivers in Colorado.

***Opposing Suitability:***

- Montrose County has adopted a resolution opposing WSR designation as it is thought not to be in the best interest of Montrose County citizens.
- Eleven comments express concern that WSR designation might restrict future mining activities in the corridor.
- Eleven comments indicate that this segment receives adequate protection through existing federal, state, and local regulations.
- Nine comments express concern that WSR designation may affect current and future water use.
- Five comments state that WSR designation could negatively impact historic uses of the area.
- Two comments express general opposition to WSR designation.
- Two comments state that WSR designation could hamper future economic development in the local area.
- One comment states that WSR designation would fragment the area, making it more difficult and costly to administer.
- One comment states that the segment should not be designated due to the number of ROWs within the corridor.
- One landowner requests that private land at the lower terminus of the segment not be included.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Water yield through the segment contributes significantly to the proper hydrologic function of the lower San Miguel River and Dolores River downstream. There is no instream flow water right on the segment, so changes or enlargements to existing water rights or new water rights on private property could further diminish flow.

Four absolute water rights within the segment divert up to 153 cfs for irrigation and some municipal use. An instream flow right associated with WSR designation could limit the ability to change points of diversion on existing water rights.

The Highline Canal diversion (decreed for 145 cfs) is located about one mile downstream of the upper terminus and parallels the San Miguel River for most of the segment. The canal is senior to most other water rights and is primarily used for crop irrigation downstream in late summer, when irrigation demand is high and snowmelt has diminished.

While there are no existing impoundments within the segment, Trout Lake and Hope Lake impound water upstream on the Lake Fork tributary. In addition, there are a few off-channel impoundments near the lower terminus associated with Cascabel Ranch.

Estimates from the HydroBase Colorado Decision Support System indicate that there are more than 204,000 acre-feet of conditional water storage rights upstream of the segment, on both the main stem and tributaries. Much of the water needed to meet future demand is likely to come from conservation practices and development of existing water rights, including conditional rights in the San Miguel Basin. Most of these rights would be senior to any instream flow created through WSR designation.

Future potential dam sites identified on the San Miguel River and major tributaries are unlikely to be developed given current costs and concerns with environmental impacts (according to a draft BLM instream flow assessment). This would include the Saltado Reservoir on the San Miguel River downstream of Specie Creek, which has a conditional water right for fill and refill totaling over 140,000 acre-feet.

### **LAND OWNERSHIP AND USES**

Approximately 17.8% of the corridor consists of private lands zoned as General Agriculture in the Montrose County Master Plan. As presently defined in the Montrose County Zoning Resolution, the zone is relatively non-restrictive regarding allowable uses-by-right and uses requiring a special use permit). Many of the uses are not related to agriculture and have the potential to conflict with the intent of the WSR Act.

#### **Special Designations**

WSR designation would be consistent with existing Area of Critical Environmental Concern and Special Recreation Management Area designations.

#### **ROWs and Withdrawals**

Highway 90, Transco and Rocky Mountain Natural Gas pipelines, two Tri-State transmission lines, and one distribution powerline cross the segment. The Highline Canal, telephone lines, and a county road parallel the segment. There is a private access road one quarter to one half mile to the west and a water pipeline within one quarter mile to the north.

While portions of the segment are identified as having potential for hydropower development, the federal Power Site classification does not preclude WSR designation.

### **Energy and Mineral Leasing**

According to a State of Colorado Oil and Gas Commission electronic well records database, there are existing oil and gas leases within the segment, as well as two abandoned oil and gas wells. Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

### **ADMINISTRATION**

A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community for this segment might only be achieved through WSR designation.

River flow needed to support certain recreational boating activities might only be secured through water rights associated with WSR designation.

WSR designation would complement BLM Colorado Public Land Health standards for riparian vegetation, special status species, and wildlife.

This segment supports habitat for native warm water fish, making WSR designation consistent with actions in the Range-wide Conservation Agreement and Strategy for Roundtail Chub (*Gila robusta*), Bluehead Sucker (*Catostomus discobolus*), and Flannelmouth Sucker (*Catostomus latipinnis*). Depletion of flow by the Highline Canal might inhibit the ability to sustain the Fish ORV, as well as the Vegetation ORV.

### **Potential Costs Associated with WSR Designation**

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

Costs for administering and managing this segment for the Recreational, Fish, Wildlife, and riparian Vegetation ORVs are estimated to be moderately higher than current funding levels. The segment is managed as an SRMA and an ACEC (for riparian protection), both of which have provided some funding for facilities and maintenance to protect the ORVs.

With easy access to the river corridor provided by a county road running parallel to the river, visitor use could increase if designated and additional funding for facilities would likely be needed. If purchased from willing sellers, private land parcels within the corridor would have added value for ORV protection.

### **Alternative Protective Measures Considered**

While WSR designation would provide the most comprehensive protection for the ORVs, other existing authorities provide some level of ORV protection, including the ACEC and SRMA designations, which emphasize management for riparian and recreation values. Conservation easements could be pursued for select private portions of the corridor, which would add value toward ORV protection. Appropriation of a state-based instream flow water right through the segment would also help to sustain the ORVs.

## 21 - SAN MIGUEL RIVER, SEGMENT 5

**BLM Eligibility Classification:** Recreational

**ORVs:** Recreational, Fish, Historic, Vegetation

**Key Points:**

- Water yield contributes significantly to the proper hydrologic function of the Lower Dolores River downstream.
- A stream flow regime that mimics the natural seasonal changes necessary for sustaining a healthy riparian vegetation community might only be attainable through WSR designation.
- The Nature Conservancy (TNC) is the principal landowner and has expressed strong support for WSR designation of the segment.
- The CWCB has declared its intent to appropriate a state instream flow for the lower San Miguel River.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
0.01			7.50	7.51	<1.0%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):** Still to be calculated

### RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Suitable for Recreational Classification with Modifications

**BASIS FOR RECOMMENDATION**

The subgroup recommends that the segment be significantly reduced, beginning downstream from the Richards property, running the length of TNC property, and terminating at the confluence with Tabeguache Creek. In addition, the group recommends that the boundaries of the protective corridor extend rim to rim and be delineated by existing developments and natural barriers (such as the state highway).

### PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- Nine comments highlight the significant flow contribution of the San Miguel River in support of downstream river-related values (such as fish and riparian vegetation).
- Two comments support WSR designation and recommend that all mineral development be excluded from the corridor.

- One comment encourages the BLM to coordinate with other agencies to ensure protection of the extended riparian ecosystem.
- One comment expresses support for WSR designation without road closures.
- One comment states that WSR designation would provide recreational opportunities benefitting local economies.
- One comment expresses support for WSR designation in order to protect the outstanding river canyon setting and one of the last undammed rivers in Colorado.
- One comment expresses general support for WSR designation of this segment.

***Opposing Suitability:***

- Montrose County has adopted a resolution opposing WSR designation, as it is thought not to be in the best interest of Montrose County citizens.
- Montrose County expresses the need to maintain public access along portions of the segment, specifically for emergency connections to the Paradox Area. Montrose County also expressed the belief that river management would be better served with a segment break at Tabeguache Creek, because the river has more consistent hydrology and would be less complicated to manage.
- Fifteen comments express concern that WSR designation could limit future mining activities in the corridor.
- Ten comments express the belief that the segment receives adequate protection through existing federal, state, and local regulations.
- Nine comments express concern that WSR designation could impact current and future water use.
- Six comments express concern that WSR designation could negatively impact historic uses of the area.
- Three comments state that WSR designation would fragment and make the area more difficult and costly to manage.
- Two comments state that WSR designation would hamper future economic development in the local area.
- Two comments express general opposition to WSR designation.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Water yield through the segment contributes significantly to the proper hydrologic function of the Lower Dolores River.

There is currently no instream flow protection for the segment. The BLM and CDOW have recommended and the CWCB has declared its intent to appropriate an instream flow for the

lower San Miguel River (from the confluence of Calamity Draw to the confluence with the Dolores River) of 325 cfs (from April 15 to June 14), 170 cfs (from June 15 to July 31), 115 cfs (from August 1 to August 31), 80 cfs (from September 1 to February 28), and 115 cfs (from March 1 to April 14) structured to benefit the propagation of native warm water fishes. Until an instream flow water right is appropriated, changes or enlargements to existing water rights, or new water rights could occur on private property, further diminishing flow.

While there are no existing impoundments within the segment, there are a few small impoundments upstream (including Trout Lake and Hope Lake on the Lake Fork tributary), and a few off-channel impoundments near lower the terminus associated with Cascabel Ranch.

The segment contains approximately six water diversions, at least two (San Miguel Power Company Canal and Johnson Ditch) of which were owned by Umetco Minerals Corporation and donated to the CWCB for other than decreed uses. Decision on the fate of these water rights is pending, but potential future uses include conveying a portion to Montrose County or local governments within the San Miguel Basin, and donating a portion to an instream flow right in the lower San Miguel River. Future use of these rights could result in changes to existing points of diversion.

According to estimates from the HydroBase Colorado Decision Support System, there are over 349,000 acre-feet of conditional storage water rights upstream of the segment, on either the mainstem or tributaries of the San Miguel River. If developed, these water rights would be senior to any instream flow or federal water right for the segment and could further diminish flow.

Much of the water needed to meet future regional demand would be derived through conservation practices and development of existing water rights, including conditional water rights in the San Miguel Basin. Most of these conditional water rights are senior to both existing instream flow water rights and any instream flow created through WSR designation.

SWSI (2004) identified future potential dam sites on the San Miguel River (downstream of Leopard Creek near the confluence with Beaver Creek and above Horsefly Creek) and major tributaries, including Horsefly Creek and Maverick Draw. According to a draft BLM San Miguel Instream Flow Assessment, even though dam sites have been identified on the mainstem, they are unlikely to be developed given current costs and concerns with environmental impacts. This would also include the Saltado Reservoir with a fill and refill right totaling over 140,000 acre-feet on the San Miguel River downstream of Specie Creek.

An instream flow or federal water right associated with WSR designation could restrict new water rights or changes to existing water rights.

## **LAND OWNERSHIP AND USES**

### **ROWs and Withdrawals**

ROWs within the corridor include Colorado State Highway 141, several county roads, telephone and power lines, an historic irrigation ditch, and a water pipeline.

There is a bat maternity roost withdrawal in an abandoned uranium mine along the river.

While portions of this segment have been identified as having potential for hydropower development, the federal Power Site classification does not preclude WSR designation.

#### **Energy and Mineral Resources**

There are existing oil and gas leases within the segment. Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

#### **ADMINISTRATION**

WSR designation would complement the public land health standard for riparian vegetation and special status species. This segment supports habitat for native warm water fishes, and designation would be consistent with actions in the Range-wide Conservation Agreement and Strategy for Roundtail Chub (*Gila robusta*), Bluehead Sucker (*Catostomus discobolus*), and Flannelmouth Sucker (*Catostomus latipinnis*).

TNC is the principal landowner within the corridor and supports WSR designation and working with the BLM to manage the segment ORVs.

#### **Potential Costs Associated with WSR Designation**

With a finding of suitability, the stream and corresponding corridor would be managed to protect the ORVs, with little additional funding needed. Upon formal WSR designation, the segment could require additional funding for signage, public education, ranger patrolling, and maintenance, the amount of which would vary, depending upon projected increases in visitor use.

The segment is paralleled by State Highway 141, part of the Unaweep Tabeguache Scenic and Historic Byway. The highway provides easy access to the river corridor, and if designated, visitor use along the byway could be expected to increase somewhat.

#### **Alternative Protective Measures Considered**

While WSR designation would provide the most comprehensive protection for the ORVs, TNC ownership affords significant protections. If appropriated, a state-based instream flow water right would help to sustain the Fish and Vegetation ORVs.

## 22 - SAN MIGUEL RIVER, SEGMENT 6

**BLM Eligibility Classification:** Recreational

**ORVs:** Recreational, Fish, Historic, Vegetation

**Key Points:**

- A stream flow regime that mimics the natural seasonal changes necessary for sustaining a healthy riparian vegetation community might only be attainable through WSR designation.
- Water yield contributes significantly to the proper hydrologic function of the Lower Dolores River downstream.
- The CWCB has declared its intent to appropriate a state instream flow for the lower San Miguel River.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
2.10				2.10	100%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):** Still to be calculated

### RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Suitable for Recreational Classification with Modifications

**BASIS FOR RECOMMENDATION**

The subgroup recommends that the segment begin downstream of Umetco Minerals Corporation property and terminate at the confluence with the Dolores River. The subgroup will contact the Department of Energy (DOE) regarding the Uravan site. If there is sufficient support, then DOE lands beginning at the bridge below Uravan could be included in the segment.

### PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- Nine comments highlight the significant flow contribution of the San Miguel River in support of downstream river-related values (such as fish and riparian vegetation).
- Two comments note that private land is consolidated at one end of the segment and would not significantly affect implementing essential protective measures.
- Two comments support WSR designation and recommend that all mineral development be excluded from the corridor.
- One comment encourages the BLM to coordinate with other agencies to ensure protection of the extended riparian ecosystem.

- One comment expresses support for WSR designation without road closures.
- One comment states that WSR designation would provide recreational opportunities benefitting local economies.
- One comment expresses support for WSR designation in order to protect the outstanding river canyon setting and one of the last undammed rivers in Colorado.
- One comment expresses general support for designation of this segment.

***Opposing Suitability:***

- Montrose County has adopted a resolution opposing WSR designation, as it is thought not to be in the best interest of Montrose County citizens.
- Fifteen comments express concern that WSR designation could limit future mining activities in the corridor.
- Ten comments express the belief that the segment receives adequate protection through existing federal, state, and local regulations.
- Nine comments express concern that WSR designation could impact current and future water use.
- Six comments express concern that WSR designation could negatively impact historic uses of the area.
- Three comments state that WSR designation would fragment and make the area more difficult and costly to manage.
- Two comments state that WSR designation would hamper future economic development in the local area.
- Two comments express general opposition to WSR designation.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Water yield through the segment contributes significantly to the proper hydrologic function of the Lower Dolores River.

There is currently no instream flow protection for the segment. The BLM and CDOW have recommended and the CWCB has declared its intent to appropriate an instream flow for the lower San Miguel River (from the confluence of Calamity Draw to the confluence with the Dolores River) of 325 cfs (from April 15 to June 14), 170 cfs (from June 15 to July 31), 115 cfs (from August 1 to August 31), 80 cfs (from September 1 to February 28), and 115 cfs (from March 1 to April 14) structured to benefit the propagation of native warm water fishes. The CWCB will consider the appropriation recommendation at their January 25-26, 2011 meeting. Until an instream flow water right is appropriated, changes or enlargements to existing water rights, or new water rights could occur on private property, further diminishing flow.

While there are no existing impoundments within the segment, there are a few small impoundments upstream (including Trout Lake and Hope Lake on the Lake Fork tributary) and a few off-channel impoundments near the lower terminus associated with Cascabel Ranch.

There are a few small impoundments upstream of the segment (including Trout Lake and Hope Lake) located on the Lake Fork tributary.

According to estimates from the Colorado Decision Support System (HydroBase), there are more than 349,000 acre-feet of conditional storage water rights upstream of the segment, on either the mainstem or tributaries of the San Miguel River. If developed, these water rights would be senior to any instream flow or federal water right on this segment and could further diminish flow through this reach.

Much of the water needed to meet future demand would come from conservation practices and development of existing water rights, including some of the existing conditional water rights in the San Miguel Basin. Most of these conditional water rights are senior to both existing instream flow water rights and any instream flow created through WSR designation.

SWSI 2004 identified future potential dam sites on the San Miguel River (downstream of Leopard Creek near the confluence with Beaver Creek, and above Horsefly Creek) and major tributaries, including Horsefly Creek and Maverick Draw. According to a draft BLM San Miguel Instream Flow Assessment, although dam sites have been identified on the mainstem, they are unlikely to be developed given current costs and concerns with environmental impacts. This would also include the Saltado Reservoir with a conditional water right on the San Miguel River downstream of Specie Creek with a fill and refill right totaling over 140,000 acre-feet.

An instream flow or federal water right associated with WSR designation could restrict new water rights or changes to existing water rights.

## **LAND OWNERSHIP AND USES**

### **ROW and Withdrawals**

ROWs within the corridor include Colorado State Highway 141, several county roads, telephone and powerlines, and an historic irrigation ditch and water pipeline.

While portions of the segment are within an area classified as having hydropower potential, the Power Site classification does not preclude WSR designation.

### **Energy and Mineral Resources**

There are existing oil and gas leases within the segment. Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

## **ADMINISTRATION**

WSR designation would complement BLM Colorado Public Land Health standards for riparian vegetation and special status species.

This segment supports habitat for native warm water fishes, and designation would be consistent with actions in the Range-wide Conservation Agreement and Strategy for Roundtail Chub (*Gila robusta*), Bluehead Sucker (*Catostomus discobolus*), and Flannelmouth Sucker (*Catostomus latipinnis*).

The BLM is uncertain regarding the position of Umetco Minerals Corporation on WSR designation.

#### **Potential Costs Associated with WSR Designation**

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

Costs for administering and managing this segment for the Recreational, Fish, Historic, and riparian Vegetation ORVs would be moderately to significantly higher than current funding levels. With easy access to the river corridor provided by the paralleling county road, visitor use would be expected to increase if designated. As a result, additional funding for facilities would likely be needed.

A county road currently infringes on the stream channel and riparian zone along portions of this reach. With future county plans to possibly widen the road, costly measures would be necessary to avoid additional impacts to the river corridor. If purchased from willing sellers, private lands in the upper reaches of the segment would add value for ORV protection.

#### **Alternative Protective Measures Considered**

While WSR designation would provide the most comprehensive protection for the ORVs, conservation easements on select private portions of the corridor would offer added value toward protecting the ORVs. If appropriated, a pending, state-based instream flow water right would help sustain the Fish and Vegetation ORVs.

## 23 - TABEGUACHE CREEK, SEGMENT I

**BLM Eligibility Classification: Wild**

**ORVs: Vegetation**

**Key Points:**

- Existing designation as a Special Management Area offers significant protection to sustain the Vegetation ORV.
- Limited water development in the upper Tabeguache Basin results in a flow regime that mimics natural conditions.
- A contiguous 3.7-mile upstream portion of Tabeguache Creek managed by the USFS is identified as eligible in the Proposed Land Management Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests (2007), based upon Scenic and Cultural ORVs.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
3.61				3.61	100%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
1,077.0			6.3	1,083.3	99.4%

### RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation: Suitable for Wild Classification**

**BASIS FOR RECOMMENDATION**

The subgroup recommends that the segment begin at the USFS boundary and end one-quarter mile from private property. The Wild classification complements existing protections in the area, including designation as a specially managed “Area,” and provides a good management tool for the BLM.

### PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- Three comments encourage the BLM to coordinate with other agencies to ensure protection of the extended riparian ecosystem.
- One comment identifies the need to protect the wild landscape and natural values of the area.

- One comment notes that the predominance of federally managed land would simplify effective management of the segment.
- One comment supports preserving the wilderness values of the segment through a congressional designation in keeping with the status of surrounding lands.

***Opposing Suitability:***

- Montrose County has adopted a resolution opposing WSR designation as it is thought not to be in the best interest of Montrose County citizens.
- Two comments express concern over the effect that WSR designation would have on private land.
- One comment expresses concern over the effect that WSR designation would have on historic uses of the area.
- One comment expresses concern with the effect that WSR designation would have on water rights.
- One comment states that the segment receives adequate protection through existing federal, state, and local regulations.
- One comment states that WSR designation would fragment the area, making it more difficult and costly to manage.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Water yield through the segment contributes significantly to the proper hydrologic function of lower Tabeguache Creek and the lower San Miguel River downstream. An instream flow water right appropriation has been finalized for the segment. The instream flow would provide some protection to sustain the Vegetation ORV.

An irrigation diversion known as Skees Ditch was decreed for 1.92 cfs in 1939 by the State of Colorado, but no records are available indicating if and when it was constructed. A field assessment conducted by BLM personnel in May 2009 found no physical sign of a diversion or ditch. Although the Skees Ditch has not been developed, it is considered an absolute water right by Colorado and would be senior to both the pending state instream flow and any federal instream flow resulting from WSR designation.

Glencoe Ditch in the Tabeguache headwaters is presently decreed to divert up to 17 cfs, and would have seniority over any instream or federal water right established as part of WSR designation. Changing the diversion point on an existing water right within the segment could be limited in the future by any instream flow right associated with WSR designation.

There are no impoundments or conditional water rights within the segment. Diversions totaling 22.18 cfs are decreed upstream of this segment. Conditional water rights upstream of the segment include 2.0 cfs for diversion and 30 acre-feet for storage.

### **LAND OWNERSHIP AND USES**

Land ownership adjacent to the segment is almost entirely federal. Approximately 0.6% of the segment at the lower terminus consists of private lands zoned as General Agriculture in the Montrose County Master Plan. As presently defined in the Montrose County Zoning Resolution, the zone is relatively non-restrictive regarding allowable uses-by-right and uses requiring a special use permit. Many of the allowable and special uses are not related to agriculture and have potential to conflict with the intent of the WSR Act.

A contiguous 3.7-mile upstream portion of Tabeguache Creek managed by the USFS is identified as eligible in the Proposed Land Management Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests (2007), based upon Scenic and Cultural ORVs.

#### **Special Designations**

This segment and the contiguous USFS segment are within the Tabeguache Area, an area withdrawn by Congress and managed to protect wilderness values. Due to the designation, the only foreseeable actions within the segment are likely to be BLM-proposed projects. Access is limited to non-mechanized and non-motorized use.

### **ADMINISTRATION**

The source water area upstream of this segment is primarily managed by the USFS. Existing authorities provide adequate management capability to protect the stream flow and sustain the ORV.

WSR designation would be consistent with policies and authorities afforded by designation as a Special Management Area and would complement the BLM Colorado Public Land Health standard for riparian vegetation.

Tabeguache Creek contributes significant flow to the Lower San Miguel and Dolores Rivers, supporting habitat for native warm water fish. WSR designation would be consistent with actions in the Range-wide Conservation Agreement and Strategy for Roundtail Chub (*Gila robusta*), Bluehead Sucker (*Catostomus discobolus*), and Flannelmouth Sucker (*Catostomus latipinnis*).

#### **Potential Costs Associated with WSR Designation**

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORV, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

Costs for administering and managing this segment for the riparian Vegetation ORV would not likely increase much above current funding levels. The segment is remote, has limited access along undeveloped trails, and the riparian zone is completely under federal management, factors that assist in protecting the ORV. Additional facilities would not be needed if designated. A small amount of additional funding would be needed for signage, public education, ranger patrolling, and maintenance.

***Alternative Protective Measures Considered***

An existing Special Management Area designation and a state-based instream flow water right provide significant protection to sustain the Vegetation ORV. In addition, the watershed upstream of this segment is dominated by lands managed by the U.S. Forest Service as a Special Management Area and has a state-based instream flow water right, both of which would aid in future management, administration, and preservation of the area.

## 24 - TABEGUACHE CREEK, SEGMENT 2

**BLM Eligibility Classification:** Recreational

**ORVs:** Cultural, Vegetation

**Key Points:**

- Congressional designation of an area upstream of the segment (that includes Tabeguache Creek, Segment I and a contiguous USFS segment) to protect its wilderness values ensures reliable flow, while a recently finalized state-based instream flow water right would contribute additional flow to help sustain the Vegetation ORV.
- The upper Tabeguache Basin has experienced limited water development and has few conditional water rights, resulting in a flow regime that mimics natural conditions most of the year, except during late season irrigation.
- The majority of the source water area upstream of the segment is managed by the BLM or USFS. Existing authorities allow for management actions necessary to protect river flow and sustain the ORV.
- Private property within the corridor consists of three distinct parcels separated by public land.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
7.89			3.68	11.57	68.2%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
2,487.3			515.4	3,002.7	82.8%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Not Suitable

**BASIS FOR RECOMMENDATION**

Significant portions of private land interspersed throughout the corridor have the potential to make the segment difficult to manage. Private landowners within the segment do not support suitability.

## PUBLIC COMMENT SUMMARY

### ***Supporting Suitability:***

- One comment expresses support for protecting the creek's streamflow contribution to the San Miguel River, and the superior examples of unique stream-dependent riparian vegetation.
- One comment states that, although less than 70% of the land within the segment is federally managed, 100% of the land immediately above the stream's confluence with the San Miguel River is federally owned, facilitating effective implementation of protective management.
- One comment expresses support for WSR designation on federally managed portions of the segment.

### ***Opposing Suitability:***

- The Montrose Board of County Commissioners has adopted a resolution opposing WSR designation as it is thought not to be in the best interest of Montrose County citizens.
- Two comments oppose WSR designation due to the potential impact on historic uses of the area.
- One comment states that this segment receives adequate protection without WSR designation through existing federal, state, and local regulations.
- One comment states that WSR designation would fragment the area, making it more difficult and costly to manage.
- One comment opposes WSR designation but recommends strong prescriptions to protect the archaeological and cultural resources in the immediate area.
- One comment expresses general opposition to WSR designation.

## BLM ASSESSMENT

### **WATER RIGHTS AND USES**

Water yield through the segment contributes significantly to the proper hydrologic function of the Lower San Miguel River downstream. One small impoundment occurs within the segment. An instream flow water right appropriation has been finalized for this segment.

While the water right would provide additional protection to sustain the Vegetation ORV, the Templeton Ditch restricts flow during the native fish spawning season from April through June. The Templeton Ditch is decreed for 5.5 cfs and significantly dewateres the channel downstream of the diversion during late summer months. The water right is senior to the instream flow water right.

Although it has not been in use for several years, the Uravan pipeline diversion and ROW located near the lower terminus of the segment remains an active water right. Several small stock reservoirs and ditch diversions on tributaries draining into the segment are decreed for a total of

62.3 cfs and 46 acre-feet of storage rights. Changing points of diversion on existing water rights within the segment could be restricted by any instream flow right associated with WSR designation.

If developed, a conditional water right ditch diversion of 3.5 cfs upstream of the segment could result in additional diminution of flow through the segment. Conditional water rights are senior to a pending state instream flow and any future instream flow associated with WSR designation.

The majority of the source water area upstream of this segment is managed by the BLM or USFS. Existing authorities allow for management actions to ensure adequate river flow needed to sustain the ORV.

### **LAND OWNERSHIP AND USES**

Private property within the corridor consists of three distinct parcels separated by public land. The scattered land configuration provides opportunities for land uses that could negatively impact public land within the corridor. Approximately 17.2% of the corridor consists of private land zoned as General Agriculture in the Montrose County Master Plan. As presently defined in the Montrose County Zoning Resolution, the zone is relatively non-restrictive regarding allowable uses-by-right and uses requiring a special use permit. Many of the allowable and special uses are not related to agriculture and have the potential to conflict with the intent of the WSR Act.

#### **Special Designations**

Cultural resources within the segment are on the National Register of Historic Places.

#### **Rights-of-Way and Withdrawals**

ROWs within the corridor include county roads V19 & U19, telephone and power lines adjacent to and crossing the creek, and an historic ditch adjacent to the creek in the upper part of the segment. Umetco owns a water pipeline and road adjacent to and crossing the creek.

While portions of the segment are identified by the USGS as having coal potential, and portions are in an area classified as a power site, neither classification precludes WSR designation.

#### **Energy and Mineral Leasing**

There are existing oil and gas leases within the segment. Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

### **ADMINISTRATION**

WSR designation would complement the BLM Colorado Public Land Health standard for riparian vegetation.

Management actions in support of the Range-wide Conservation Agreement and Strategy for Roundtail Chub (*Gila robusta*), Bluehead Sucker (*Catostomus discobolus*), and Flannelmouth Sucker (*Catostomus latipinnis*) promote preserving the stream flow in Tabeguache Creek, which in turn benefits the Vegetation ORV.

***Potential Costs Associated with WSR Designation***

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

Costs for administering and managing this segment for the Cultural and riparian Vegetation ORVs would be moderately higher than current funding levels. Portions of the segment can be accessed by county roads which would facilitate increased visitor use if designated.

The corridor does include parcels of private land containing riparian vegetation. As funding and opportunities arise, the BLM would pursue land acquisition from willing sellers, which would add value for ORV management and protection.

***Alternative Protective Measures Considered***

Congressional designation of an area upstream of the segment (that includes Tabeguache Creek, Segment I and a contiguous USFS segment) to protect its wilderness values ensures reliable flow through the segment, while a recently finalized state-based instream flow water right would contribute additional flow to help sustain the Vegetation ORV. Future water right applications on public land within the segment should contain BLM terms and conditions ensuring that the ORVs are sustained.

## 25 - LOWER DOLORES RIVER

**BLM Eligibility Classification:** Scenic

**ORVs:** Scenic, Recreational, Geologic, Fish, Wildlife

**Key Points:**

- The segment contains a wide array of ORVs.
- The upper portion of the segment consists primarily of BLM-administered public land, while the downstream portion has a considerable amount of private land.
- The upstream portion of the segment has experienced little development, while the downstream portion contains mining claims and oil and gas leases.
- A state highway parallels the downstream portion of the river.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
6.93			3.60	10.53	65.8%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
2,197.5			922.7	3,120.2	70.4%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Suitable for Scenic Classification with Modifications

**BASIS FOR RECOMMENDATION**

The subgroup recommends that the segment be shortened to exclude private property (ending at the Weimer property) and the corridor boundary be modified to protect mining claims, delineated on the east side by the highway and on the west side by a geographic marker such as the canyon rim or other natural feature.

## PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- Four comments state that the Dolores River should receive immediate, thorough, and enduring protection, and that previous WSR suitability findings for this river should be reaffirmed in the plan update.
- Four comments recommend that oil and gas leasing should be prohibited in the Dolores River Corridor in order to protect the ORVs.

## 25 - LOWER DOLORES RIVER

### DRAFT WSR SUITABILITY ANALYSIS

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- Three comments state that this regionally significant river warrants consistent and coordinated status, management, and protection throughout the entire public portion.
- Two comments support suitability in order to protect the wild landscape and natural values of the area.
- One comment generally recommends that at least the federally managed portions of the segment be found suitable.
- One comment states that, even with the significant amount of private land, through cooperative agreements and other actions would help in implementing protective management.
- One comment encourages the BLM to coordinate with other agencies to ensure protection of the extended riparian ecosystem.
- One comment states that the Dolores River and its tributaries are the evocative, awe-inspiring lifeblood for many human and wildlife communities in western Colorado. In the face of accelerating change in the west, the unique geology, outstanding scenery, diverse recreational opportunities, and precious water resources of the Dolores River should be preserved for people, wildlife, and healthy natural systems.
- One comment stresses that the Dolores River is especially important for the protection and enhancement of riparian ecosystems spanning federal land management areas.
- One comment stresses that the Dolores River corridor, including the Paradox Valley and its rich wildlife and cultural resources, should be managed in close cooperation with private land owners and adjacent BLM field offices.
- One comment elaborates on the special natural features of the river, and states that the river basin spans numerous BLM and USFS offices and should be cooperatively managed to ensure that the river's serenity and beauty can continue to be enjoyed and explored.
- One comment states that the river corridor requires coordinated management between federal jurisdictions in order to preserve the ORVs.
- One comment states that, while the UFO portion of public land within the corridor is smaller and the stretch of the Dolores River is shorter than those of adjoining BLM field offices, it forms the core of the river ecosystem, and urges the UFO to consider the portion within its jurisdiction to be an integral part of the larger Dolores River ecosystem when making management decisions regarding the area.

#### ***Opposing Suitability:***

- Montrose County has adopted a resolution opposing WSR designation as it is thought not to be in the best interest of Montrose County citizens.
- Three comments oppose WSR designation due to potential negative impacts on historic uses and water rights in the area.
- Two comments state that there is adequate protection for and ability to manage the area through existing federal, state, and local regulations.

- One comment states that many of the outstanding values in the area are associated with recreational opportunities that may be negatively impacted by WSR designation.
- One comment expresses concern that WSR designation would fragment the area, making it more difficult and costly to manage.
- One comment recommends exploring feasible management alternatives to WSR designation.
- One comment opposes WSR designation due to lack of water in the Dolores River and potential negative impacts to water rights.
- One comment states that this segment receives adequate protective management through existing federal, state, and local regulations.
- One comment recommends that the UFO coordinate with the BLM Grand Junction Field Office, as the lower terminus of the segment forms the boundary between the two field offices. In addition, the comment recommends finding only the southern portion of the segment suitable (Segment 25A), as the northern portion (Segment 25B) contains a patchwork of private land.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Water yield through the segment contributes significantly to the proper hydrologic function of the Lower Dolores River downstream (within the Grand Junction Field Office). There is no instream flow water right protection on the segment. An instream flow right associated with WSR designation could restrict the ability to change points of diversion on existing water rights within the segment.

There are no conditional water rights or impoundments within the segment. Two small diversions along the lower reaches of the segment do not detract from the natural character of the river.

Flow through the segment is significantly diminished by the operation of the McPhee Dam upstream. A large portion of natural water yield entering the reservoir is transferred out of the basin, primarily for agricultural uses. Water rights associated with the McPhee Reservoir are senior to the instream flow water right on the downstream reach.

Most future water demand will be met through conservation practices and development of existing water rights. According to the Statewide Water Supply Initiative (2004), between 400,000 and 500,000 acre-feet of conditional storage water rights upstream throughout the San Miguel and Upper Dolores basins predate any future state or federal instream flow right. As rights are perfected to meet future water demand, flows through the segment could be diminished. Additional water developments for uses such as irrigation are likely to increase along with the growing population.

The Statewide Water Supply Initiative has identified reservoir sites on Beaver Creek and Plateau Creek flowing into the McPhee Reservoir that could be operated to increase flows in the Dolores

River below the McPhee Reservoir. Beaver Creek and Plateau Creek reservoir sites are a high priority for the Southwest Basins Roundtable of Colorado Interbasin Compact Committee.

### **LAND OWNERSHIP AND USES**

Approximately 29.6% of the corridor consists of private lands zoned as General Agriculture in the Montrose County Master Plan. As currently defined in the Montrose County Zoning Resolution, the zone is relatively non-restrictive regarding allowable uses-by-right and uses requiring a special use permit. Many of the uses are not related to agriculture and have the potential to conflict with the intent of the WSR Act.

#### **ROWs and Withdrawals**

ROWs within the segment include telephone lines, powerlines, a highway, county roads, private access roads, and a gravel pit.

While public lands adjacent to the river are withdrawn to the Department of Energy as a potential Power Site, the classification does not preclude WSR designation.

#### **Energy and Mineral Leasing**

There are existing oil and gas leases within the segment. Active mining claims occur within the corridor and have prior existing right to mineral deposits.

### **ADMINISTRATION**

Because of limited unappropriated water, it is unlikely that the high flows needed to sustain recreational activities could be secured through WSR designation.

Managing this segment to sustain native warm water fish is consistent with actions in the Range-wide Conservation Agreement and Strategy for Roundtail Chub (*Gila robusta*), Bluehead Sucker (*Catostomus discobolus*), and Flannelmouth Sucker (*Catostomus latipinnis*).

WSR designation would complement BLM Colorado Public Land Health standards for special status species and wildlife.

The GJFO has made no decision regarding Dolores River segments, pending a basin-wide discussion.

#### **Potential Costs Associated with WSR Designation**

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

The costs for administering and managing this segment for the Scenic, Recreational, Geologic, Fish, and Wildlife ORVs would be substantially higher than current funding levels. The lower portion of this segment is paralleled by State Highway 141, providing diffuse access points to this portion of the river corridor. If designated, the potential increase in visitor use, especially in the lower portion

## 25 - LOWER DOLORES RIVER

### DRAFT WSR SUITABILITY ANALYSIS

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of the corridor, would require additional funding for facilities, public education, signage, additional weed control, and ranger patrolling. Visitor use in the upper portion of the segment would be limited to mostly river-based recreation activities which would require a small amount of additional funding for maintenance and primitive camp and day use site development.

If purchased from willing sellers, private land parcels within the corridor would have added value for ORV protection.

#### ***Alternative Protective Measures Considered***

Approximately 41 acres of private land could be eliminated from the segment to alleviate zoning issues.

Warm water fish would receive significant protection by acquiring a state-based instream flow water right for this segment.

The Visual Resource Management classification of the segment could be upgraded to protect the Scenic ORV.

The Hanging Flume receives protection through listing on the National Register of Historic Places.

## 26 - NORTH FORK MESA CREEK

**NOTE:** A review by the Colorado Natural Heritage Program (CNHP) lowered the rarity ranking of the Narrowleaf cottonwood/strapleaf willow/silver buffaloberry plant community to G3, eliminating the Vegetation ORV that supported eligibility for the segment.

**BLM Eligibility Classification:** Scenic

**ORVs:** Vegetation

**Key Points:**

- There is little water development in the headwaters of the North Fork Mesa Creek, which produces a flow regime mimicking natural conditions.
- The majority of the source water area upstream of the segment is managed by the BLM or USFS and existing authorities provide for ample management actions to protect stream flow needed to sustain the Vegetation ORV.
- Several ROWs occur within the corridor.
- There is a significant amount of private land in the lower reach of the segment.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
5.81			2.72	8.53	68.1%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
2,042.4			424.5	2,466.9	82.8%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Not Suitable

### BASIS FOR RECOMMENDATION

Due to a review by the CNHP that lowered the rarity ranking of the Narrowleaf cottonwood/strapleaf willow/silver buffaloberry plant community to G3, the segment no longer possesses an ORV to support eligibility.

## PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- One comment cites the necessity of protecting the wild landscape and natural values in the area.

- One comment states that the predominance of federally managed land along the upper portion of the segment could simplify the implementation of effective management.
- One comment expresses general support of WSR designation for the segment.

***Opposing Suitability:***

- Montrose County has adopted a resolution opposing WSR designation, as it is thought not to be in the best interest of Montrose County citizens.
- Two comments state that this segment has adequate protection through existing federal, state, and local regulations.
- One comment states that WSR designation would fragment the area, making it more difficult and costly to manage.
- One comment opposes WSR designation due to the short segment length with non-contiguous ownership of land parcels, which would make effective management of the segment difficult.
- One comment asserts the need to retain access for mining activities if designated.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

The North Fork of Mesa Creek contributes flow to Mesa Creek and the Lower Dolores River, providing habitat for native warm water fish. WSR designation would be consistent with actions in the Range-wide Conservation Agreement and Strategy for the Roundtail Chub (*Gila robusta*), Bluehead Sucker (*Catostomus discobolus*), and Flannelmouth Sucker (*Catostomus latipinnis*).

The CWCB holds instream flow water rights along the entire segment structured to protect the natural environment to a reasonable extent. The instream flow provides some protection to sustain the Vegetation ORV. From the lower terminus and 3.90 miles upstream to Cedar Tree Ditch Diversion, seasonal instream flow is 2.1 cfs for the period from April 1 to May 31. From Cedar Tree Ditch to the upper terminus, instream flow appropriation varies throughout the year. Between April 1 and May 31, appropriated instream flow is 2.75 cfs. It drops to 0.5 cfs between June 1 and February 29, and rises to 1.9 cfs between March 1 and March 31.

There are three water diversions in the lower reach, but only the Patterson Ditch has a decreed flow (of 14.12 cfs). The Patterson ditch diversion is located on public land. This water right is senior to the existing instream flow water right and any federal water right associated with WSR designation. An instream flow right associated with WSR designation could restrict the ability to change points of diversion for existing water rights within the segment.

A number of stock watering facilities in headwater tributaries constitute the only water use above the upper terminus.

There are no conditional water rights within or upstream of the segment.

Any additional water right filings or changes to existing diversions would be junior to the instream flow water right.

### **LAND OWNERSHIP AND USES**

Approximately 17.2% of the corridor consists of private lands zoned as General Agriculture in the Montrose County Master Plan. As presently defined in the Montrose County Zoning Resolution, the zone is relatively non-restrictive regarding allowable uses-by-right and uses requiring a special use permit. Many of the allowable and special uses are not related to agriculture and have the potential to conflict with the intent of the WSR Act.

#### ***ROWs and Withdrawals***

ROWs include telephone and power lines. A county road runs along the creek, dominating the setting for much of the segment. Unsurfaced roads cross the stream in a couple of locations.

There is a bat maternity roost withdrawal along the creek.

While portions of the segment are within an area identified as a potential Power Site, the federal classification does not preclude WSR designation.

#### ***Energy and Mineral Leasing***

There are existing oil and gas leases within the segment. Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

### **ADMINISTRATION**

WSR designation complements the BLM Colorado Public Land Health standard for riparian vegetation.

Private land at the lower portion of the corridor could create challenges for managing the area.

#### ***Potential Costs Associated with WSR Designation***

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

#### ***Alternative Protective Measures Considered***

Because the BLM and USFS manage the headwaters of the North Fork of Mesa Creek, authorities exist to preserve a flow regime that mimics the natural variability needed to sustain the Vegetation ORV.

## 27 - DOLORES RIVER, SEGMENT 2

**BLM Eligibility Classification:** Recreational

**ORVs:** Scenic, Recreational, Geologic, Fish, Wildlife, Vegetation

**Key Points:**

- A series of alluvial water wells adjacent to the river are managed by the BOR as part of the Paradox Valley Unit, Salinity Control Project.
- The segment contains a wide array of ORVs.
- The upstream portion of the segment is dominated by private land, while the downstream portion is comprised primarily of public land and has experienced little development.
- A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community for this segment might only be achieved through WSR designation.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
5.42			6.08	11.50	47.1%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
1,820.7			1,423.8	3,244.5	56.1%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Suitable for Recreational Classification with Modifications

**BASIS FOR RECOMMENDATION**

The subgroup recommends suitability for the public land portion of the segment (5.3 miles), but not for private land portions (6.2 miles). In addition, the group recommends aligning the protective corridor to exclude the Buck Shot Mine and associated ROW. The segment boundary would follow the cliff line if less than one quarter mile from the river center.

## PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- Four comments state that the Dolores River should receive immediate, thorough, and enduring protection, and that previous findings of WSR suitability should be reaffirmed in the plan update.

- Four comments recommend that oil and gas leasing be prohibited within the Dolores River corridor in order to protect the ORVs.
- Three comments state that this regionally significant river warrants consistent and coordinated management and protection throughout the entire public portion.
- One comment states that, in the face of accelerating change in the west, the Dolores River Basin's unique geology, profoundly moving scenery, diverse recreational opportunities, and precious water resources must be preserved for people, wildlife, and healthy natural systems.
- One comment stresses that the Dolores River corridor, including the Paradox Valley and its rich wildlife and cultural resources, should be managed in close cooperation with adjacent BLM field offices and private land owners.
- One comment elaborates on the many special, natural features of the Dolores River, and states that the entire river basin spans numerous BLM and USFS offices and should be cooperatively managed to ensure that the river's serenity and beauty can continue to be enjoyed and explored.
- One comment states that preserving the ORVs in the Dolores River corridor requires coordinated management between various federal jurisdictions.
- One comment states that, while the UFO portion of public land within the corridor is smaller and the stretch of the Dolores River is shorter than those of adjoining BLM field offices, it forms the core of the river ecosystem, and urges the UFO to consider the portion within its jurisdiction to be an integral part of the larger Dolores River ecosystem when making management decisions regarding the area.
- One comment states that the BLM should continue its dialogue with stakeholders concerning management of the river, and that the BLM's main responsibility is to protect riparian habitat within the segment.
- One comment stresses that the Dolores River has a critical role in the protection and enhancement of riparian ecosystems spanning federally-managed land.
- One comment notes that the large portion of federally managed land in the segment should facilitate the implementation of effective protective measures.
- One comment expresses the need for protecting the wild landscape and natural values in the area and recommends a decisive finding of suitable.
- One comment recommends that the full length of the segment be found suitable.

***Opposing Suitability:***

- Montrose County Board of Commissioners has adopted a resolution opposing WSR designation as it is thought not to be in the best interest of Montrose County citizens.
- One comment recommends exploring feasible management alternatives to WSR designation.
- One comment opposes WSR designation due to insufficient water in the Dolores River and potential negative impacts to water rights.
- One comment expresses concern that WSR designation could fragment the area, making it more difficult and costly to manage.

- One comment states that this segment receives adequate protection through existing federal, state, and local regulations.
- One comment expresses opposition to WSR designation due to potential negative impacts to historic uses and water rights in the area.
- One comment expresses concern that WSR designation could curtail future mining on mesa edges outside of the corridor but within view of the river.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Water yield through the segment contributes significantly to the proper hydrologic function of the Lower Dolores River downstream. The CWCB holds a year-round 78 cfs instream flow water right along the entire segment, structured to protect the natural environment to a reasonable degree, which also provides some protection to sustain the ORVs.

There are no conditional water rights within the segment. The only withdrawals are a series of alluvial wells along the corridor that are operated as part of Paradox Valley Unity, Deep Well Injection Salinity Control Project.

Flow is significantly diminished by the operation of the McPhee Dam upstream. A large portion of natural water yield entering the reservoir is transferred out of the basin, primarily for agricultural uses. Water rights associated with McPhee are senior to the instream flow water right.

The Statewide Water Supply Initiative (2004) has identified potential dam sites on Beaver Creek and Plateau Creek that flow into McPhee Reservoir and could be operated to increase flows below McPhee Reservoir. The Beaver Creek and Plateau Creek sites are a high priority for the Southwest Basins Roundtable of the Colorado Interbasin Compact Committee.

Most future water demand would come from conservation practices and development of existing water rights, including some 141,000 acre feet of conditional water rights in the basin (SWSI 2004). Many conditional rights are senior to both existing instream flow water rights and any instream flow resulting from WSR designation.

### **LAND OWNERSHIP AND USES**

#### **ROWs and Withdrawals**

BLM ROWs within the corridor include a Montrose County road, telephone and powerlines, and the Bureau of Reclamation Paradox Valley Salinity Control Project, including an evaporative salt disposal pond.

While portions of the segment are within an area identified as a potential Power Site, the federal classification does not preclude WSR designation.

### ***Energy and Mineral Resources***

There are existing oil and gas leases within the segment. Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

### **ADMINISTRATION**

A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community for this segment might only be achieved through WSR designation.

A Montrose County road located within the corridor may need to be upgraded and enlarged in the future.

### ***Potential Costs Associated with WSR Designation***

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

Costs for administering and managing this segment for the Scenic, Recreation, Geologic, Fish, Wildlife, and riparian Vegetation ORVs would be moderately to significantly higher than current funding levels. With easy access to the river corridor provided by the paralleling county road, visitor use would be expected to increase if designated. Additional funding would likely be needed for facilities and increased weed control.

A county road currently infringes on the stream channel and riparian zone along portions of this reach. With future county plans to possibly widen the road, costly measures would need to be employed to avoid additional impacts to the river corridor. Private land acquisition would not be pursued, as more than 43% of the stream segment is privately owned and contiguous, making it difficult for the BLM to acquire enough land to benefit management of the ORV.

### ***Alternative Protective Measures Considered***

The Dolores River Working Group is proposing that the area be designated a National Conservation Area.

The area is being proposed as a Special Recreation Management Area and portions of the corridor are being proposed as an Area of Critical Environmental Concern.

## 28 - ICE LAKE CREEK, SEGMENT 2

**BLM Eligibility Classification:** Scenic

**ORVs:** Scenic

**Key Points:**

- Landowners in the lower reach of the segment oppose WSR designation.
- The segment length is short and there are access issues involving private land within the segment.
- The BLM manages the source water areas that produce baseflow for the creek, providing protection for flow-dependent values.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
0.31			0.27	0.58	53.4%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
104.8			75.8	180.6	58%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Not Suitable

**BASIS FOR RECOMMENDATION**

The subgroup recommends that the segment be found not suitable based upon the following points of discussion:

- Mining occurs on the mesa at the northern end of the segment
- The segment length is extremely short
- The segment terminates on private land, which could make the area difficult to manage.

## PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- One comment submitted by fourteen individuals expresses general support for all eligible tributaries of the Dolores River to receive immediate, thorough, and enduring protection.

**Opposing Suitability:**

- Montrose County Board of County Commissioners has adopted a resolution opposing WSR designation as it is thought not to be in the best interest of Montrose County citizens.
- Four comments oppose WSR designation due to potential negative impacts on private property.
- One comment states that the scenic aspect is impacted by mines on the cliffs easily visible across La Sal Creek to the south and that the Scenic Classification on this segment is inconsistent with similar segments (#30 and #34).
- One comment expresses concern that designating the segment as a wild and scenic river could inadvertently attract destructive and inconsistent uses.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Water yield through the segment contributes significantly to the proper hydrologic function of La Sal Creek downstream. There is no instream flow water right protection on the segment.

One absolute water right near the lower terminus would be senior to any water right associated with WSR designation.

A federal water right associated with WSR designation could restrict changing the points of diversion for existing water rights within the segment.

There are no conditional water rights or impoundments within or upstream of the segment.

In the lower reaches, La Sal Creek is protected by an instream flow water right that could restrict future diversions from Ice Lake Creek.

Flow through the segment could be further reduced if diversion amounts are enlarged or diversion points are changed prior to securing an instream flow water right.

### **LAND OWNERSHIP AND USES**

Approximately 42% of the corridor consists of private lands zoned as General Agriculture in the Montrose County Master Plan. As presently defined in the Montrose County Zoning Resolution, the zone is relatively non-restrictive regarding allowable uses-by-right and uses requiring a special use permit. Many of the uses are not related to agriculture and have the potential to conflict with the intent of the WSR Act. The private property in question is a contiguous parcel located just upstream of the lower terminus. The potential for impacts to the ORV due to lack of zoning controls would be limited on public land.

### **ROWs**

A BLM road traverses the canyon just east of the creek.

### **Energy and Mineral Resources**

There are existing oil and gas leases within the segment. Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

## **ADMINISTRATION**

Ice lake Creek contributes flow to La Sal Creek, providing spring spawning habitat for native warm water fish consistent with the Range-wide Conservation Agreement and Strategy for Roundtail Chub (*Gila robusta*), Bluehead Sucker (*Catostomus discobolus*), and Flannemouth Sucker (*Catostomus latipinnis*).

A large amount of private land hinders access to public land within the segment and a number of private landowners have expressed opposition to WSR designation.

### **Potential Costs Associated with WSR Designation**

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

Costs for administering and managing this segment for the Scenic ORV would increase moderately above current funding levels. The public land portion of this segment is remote and has no developed access, both factors that would assist in the protection of the ORV. The lower reach of this segment is private land within which the Ice Lake Creek Corridor is bisected by Colorado State Highway 90.

Private land currently limits access to the public land portion of the corridor from the highway. Acquiring portions of private land from willing sellers would add value for managing and providing public access to this segment if designated. If designated, additional facilities would not likely be needed.

### **Alternative Protective Measures Considered**

The following options were identified as alternatives to WSR designation:

- Upgrade the Visual Resource Management classification in order to protect scenic values.
- Apply a No Surface Occupancy (NSO) stipulation to protect the corridor.
- Include conditions in the Uncompahgre RMP to protect the baseflow source water area at the upper terminus.

The Scenic ORV could be protected through existing authorities by requiring BLM conditions on all future applications and actions to ensure compatibility with the scenic classification.

## 29 - LA SAL CREEK, SEGMENT I

### **BLM Eligibility Classification: Recreational**

### **ORVs: Fish, Vegetation**

#### **Key Points:**

- There is a significant amount of private land within the segment, along with significant opposition to WSR designation from private landowners.
- Land use zoning for private land within the segment is relatively non-restrictive.

#### **River Segment Ownership (in Miles):**

<b>BLM</b>	<b>USFS</b>	<b>State</b>	<b>Private</b>	<b>TOTAL LENGTH</b>	<b>% FEDERAL</b>
0.62			4.20	<b>4.82</b>	<b>12.9%</b>

#### **Land Ownership within One-Half Mile Wide Corridor (in Acres):**

<b>BLM</b>	<b>USFS</b>	<b>State</b>	<b>Private</b>	<b>TOTAL ACRES</b>	<b>% FEDERAL</b>
718.1			630.8	<b>1,348.9</b>	<b>53%</b>

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

### **Recommendation: Not Suitable**

#### **BASIS FOR RECOMMENDATION**

Extensive private land would make the segment difficult to manage. A significant number of private landowners do not support finding the segment suitable.

## PUBLIC COMMENT SUMMARY

### **Supporting Suitability:**

- Fourteen replicated comments were received expressing general support for all eligible segments of the Dolores River and its tributaries to receive immediate, thorough, and enduring protection.
- One comment notes that, because La Sal Creek is in a remote location seemingly abandoned by the BLM, they support recognizing the area for something other than uranium leasing.
- One comment notes that they are not aware of any land use controls along La Sal Creek and would be happy to see this area respected as the unique Colorado natural area that it is.
- One comment notes that BLM protection could promote values that suffer due to the stigma associated with uranium mining.

***Opposing Suitability:***

- Montrose County has adopted a resolution opposing WSR designation, as it is thought not to be in the best interest of Montrose County citizens.
- Four comments oppose WSR designation due to the amount of private property and trespass issues within the segment.
- Two comments state that landowners work closely with county and state government entities to ensure protection and proper management of the canyon corridor, and large tracts of private land and sparse population ensure conservation of the area.
- One comment believes that the significant amount of development, private land, and water rights precludes the segment from WSR designation.
- One comment expresses concern over loss of water rights if the segment is designated.
- One comment notes that landowners seem to be in solidarity on preventing WSR designation for the segment.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community in this segment might only be achieved through WSR designation. The upstream terminus is along the Colorado-Utah state line and a significant portion of the headwaters are in Utah.

There is no instream flow water right protection on the segment. Water yield through the segment contributes significantly to the proper hydrologic function of the lower reaches of La Sal Creek, which is protected by an instream flow water right, possibly restricting additional water development within the segment.

Four absolute water right diversions totaling 8.9 cfs within private portions of the reach are senior to any instream flow water right. A water right associated with WSR designation could restrict changing the points of diversion on existing water rights within the segment.

No conditional water rights or impoundments occur within the segment.

### **LAND OWNERSHIP AND USES**

Approximately 47% of the corridor consists of private lands zoned as General Agriculture in the Montrose County Master Plan. As presently defined in the Montrose County Zoning Resolution, the zone is relatively non-restrictive regarding allowable uses-by-right and uses requiring a special use permit. Many of the allowable and special uses are not related to agriculture and have the potential to conflict with the intent of the WSR Act.

### ***ROWs and Withdrawals***

ROWs within the segment include a CDOT highway and county roads. Telephone and power lines cross and run adjacent to La Sal Creek.

### ***Energy and Mineral Leasing***

There are existing oil and gas leases within the segment. Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

### **ADMINISTRATION**

The headwaters of La Sal Creek are in the State of Utah. A state-based instream flow water right would provide sufficient flow to sustain the Fish ORV, but would be inadequate for sustaining the Vegetation ORV. WSR designation would complement BLM Colorado Public Land Health standards for riparian vegetation and special status species.

A large amount and configuration of private land with non-restrictive zoning occurs within the segment. Large portions of private land have been converted to agricultural crops, making it difficult to manage for native riparian vegetation.

### ***Potential Costs Associated with WSR Designation***

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

Costs for administering and managing this segment for the Fish and riparian Vegetation ORV would be substantially higher than current funding levels. Some management actions to sustain the target fish species would continue with or without designation per the Range-Wide Conservation Agreement and strategy for Roundtail Chub, Bluehead Sucker, and Flannelmouth Sucker.

Private land acquisition would not be pursued, as more than 87% of the stream segment is privately owned, making it difficult for the BLM to acquire enough land to benefit management of the ORV. Some stream channel modification projects may be needed to facilitate fish propagation.

### ***Alternative Protective Measures Considered***

Any future private water right or ROW application on public land within the segment should include BLM terms and conditions to protect the ORVs.

## 30 - LA SAL CREEK, SEGMENT 2

**BLM Eligibility Classification:** Scenic

**ORVs:** Fish, Vegetation

**Key Points:**

- A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community might only be achieved through WSR designation.
- Both the river segment and corridor consist primarily of public lands.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
3.82			0.70	4.52	84.5%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
1,032.9			138.8	1,171.7	88.2%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Suitable for Recreational Classification with Modifications

**BASIS FOR RECOMMENDATION**

The subgroup recommends that the segment be found suitable with the following modifications:

- Change the classification from Scenic to Recreational in order to accommodate potential future mining activities and road improvements
- Shorten the segment to end at and exclude the Cashin Mine.

**Supporting Suitability:**

- Fourteen identical comments express general support for all eligible tributaries of the Dolores River to receive immediate, thorough, and enduring protection.
- One comment notes that the distinctive canyon corridor affords a stunning backdrop to outstanding recreational opportunities and that the stream provides important flow to the Dolores River, as well as an essential healthy riparian environment in an otherwise arid area, justifying the strongest possible protective measures.
- One comment notes that the predominance of federally-managed land within the segment would facilitate implementation of protective management.
- One comment expresses general support for WSR designation.

***Opposing Suitability:***

- Montrose County has adopted a resolution opposing WSR designation for this segment, as it is thought not to be in the best interest of Montrose County citizens.
- Two comments express concern over access to mining and water rights as a result of WSR designation.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Water yield through the segment contributes significantly to the proper hydrologic function of Lower La Sal Creek downstream.

The CWCB holds an instream flow water right along the entire segment decreed for 3 cfs (from December 15 to March 14), 5.1 cfs (from March 15 to June 14), and 1.2 cfs (from June 15 to December 14) and structured to protect the natural environment to a reasonable degree. The flow would also provide some protection to sustain ORVs by limiting future water right actions within and upstream of the segment.

No absolute or conditional water rights occur within the segment. No impoundments occur within or upstream of the segment to the Colorado-Utah state line. Four ditch diversions are located upstream of the segment within La Sal Creek, Segment 1.

### **LAND OWNERSHIP AND USES**

The corridor consists primarily of public land. Approximately 11.8% of the corridor consists of private lands zoned as General Agriculture in the Montrose County Master Plan. As presently defined in the Montrose County Zoning Resolution, the zone is relatively non-restrictive regarding allowable uses-by-right and uses requiring a special use permit. Many of the uses are related to agriculture and have potential to conflict with the intent of the WSR Act.

### **ROWs**

Numerous BLM ROW authorizations cross or run adjacent to the creek, including transmission powerlines, telephone lines, a CDOT highway, and a Montrose County road.

### **Energy and Mineral Resource**

There are existing oil and gas leases within the segment. Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

### **ADMINISTRATION**

WSR designation would complement BLM Colorado Public Land Health standards for riparian vegetation and special status species.

A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community might only be achieved through WSR designation.

***Potential Costs Associated with WSR Designation***

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

Costs for administering and managing this segment for the Recreation, Fish, and riparian Vegetation ORVs would be moderately higher than current funding levels. With easy access to the river corridor provided by the paralleling county road, visitor use would be expected to increase if designated. Thus, additional funding would be needed for facilities, public education, signage, ranger patrolling, and maintenance.

If purchased from willing sellers, the privately owned portion of the corridor (approximately 12%) would contribute value toward ORV protection.

***Alternative Protective Measures Considered***

An area encompassing the segment is being considered for ACEC designation during development of the Uncompahgre RMP.

### 31 - LA SAL CREEK, SEGMENT 3

**BLM Eligibility Classification:** Wild

**ORVs:** Scenic, Recreational, Fish, Cultural, Vegetation

**Key Points:**

- The entire segment is comprised of public land within the Dolores River Canyon Wilderness Study Area, facilitating effective management.
- The segment contains a wide array of ORVs.
- A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community within the segment might only be accomplished through WSR designation.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
3.37				3.37	100%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
907.7			7.9	915.6	99.1%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Suitable for Wild Classification

**BASIS FOR RECOMMENDATION**

The subgroup recommends that the segment be classified as Wild due to the pristine, wild, and remote character of the area. In addition, the segment provides critical habitat for warm water fishes.

## PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- Fourteen duplicate comments express general support for all eligible tributaries of the Dolores River to receive immediate, thorough, and enduring protection.
- One comment supports WSR designation, noting that the segment lies wholly within the Dolores River Canyon Wilderness Study Area and supports regionally rare riparian and scenic vibrancy, and that habitat health is reflected in the presence of healthy populations of regionally imperiled native fish.

- One comment supports WSR designation in order to protect the numerous significant ORVs within the segment, including exemplary populations of flannelmouth suckers, bluehead suckers, and roundtail chubs.
- One comment notes that federally-managed land along the stream is 100%, requiring the strongest possible protective management.
- One comment expresses general support for finding the entire segment suitable.

***Opposing Suitability:***

- Montrose County Board of Commissioners has adopted a resolution opposing WSR designation, as it is thought not to be in the best interest of Montrose County citizens.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Water yield through the segment contributes significantly to the proper hydrologic function of the Dolores River downstream.

The CWCB holds an instream flow water right along the entire segment, structured to protect the natural environment to a reasonable extent. The water right is decreed for 3 cfs (from December 15 to March 14), 5.1 cfs (from March 15 to June 14), and 1.2 cfs (from June 15 to December 14), providing some protection to sustain the ORVs by limiting future water right actions within and upstream of the segment.

No absolute or conditional water rights occur in the segment. No impoundments occur within or upstream of the segment to the Colorado-Utah state line.

Four ditch diversions occur upstream of the segment within La Sal Creek, Segment 1.

### **LAND OWNERSHIP AND USES**

All surrounding federal lands are within the Dolores River Canyon WSA.

Approximately 0.9% of the corridor consists of private lands zoned as General Agriculture in the Montrose County Master Plan. As presently defined in the Montrose County Zoning Resolution, the General Agriculture Zone is relatively non-restrictive regarding allowable uses-by-right and uses requiring a special use permit. Many of the uses are not related to agriculture and have the potential to conflict with the intent of the WSR Act.

WSR designation would complement BLM Colorado Public Land Health standards for riparian vegetation and special status species.

### ***Special Designations***

The entire segment is located within the Dolores River Canyon WSA. While the WSA affords interim protection for the ORVs, the designation is transitory and should not be relied upon for enduring protection.

### ***ROWs and Withdrawals***

There are no known ROWs within the segment.

While portions of the segment are within an area identified as a Power Site, the federal classification does not preclude WSR designation.

### ***Energy and Mineral Resources***

Because of the WSA designation, BLM-proposed projects are likely to constitute the only foreseeable development within the segment. Although lands under wilderness review continue to be subject to location under federal mining laws, location methods and subsequent assessment work are restricted to operations determined as meeting BLM nonimpairment criteria.

### **ADMINISTRATION**

A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community might only be accomplished through WSR designation.

### ***Alternative Protective Measures Considered***

The existing state-based instream flow water right provides significant is sufficient to sustain the warm water fishery, but may not be adequate for long-term sustainability of the Vegetation ORV.

The entire segment is located within the Dolores River Canyon WSA. The WSA designation affords some protection for the ORVs in accordance with the Interim Management Policy for Lands under Wilderness Review (H-8550-1).

### ***Potential Costs Associated with WSR Designation***

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

Costs for administering and managing this segment for the Scenic, Recreational, Fish, Cultural, and riparian Vegetation ORVs would be similar to slightly higher than current funding levels. The stream corridor is totally within the Dolores River Canyon WSA, is very remote and accessible only by an unmaintained non-motorized, non-mechanized trail, factors that assist in protection of the ORVs. The BLM presently incurs some costs in this area to implement the Interim Management Policy for Lands under Wilderness Review. However, additional visitor use associated with WSR designation could generate the need for funding to develop staging facilities to support primitive recreation opportunities, signage, public education, ranger patrolling, and maintenance.

## 32 - LION CREEK, SEGMENT 2

**BLM Eligibility Classification:** Scenic

**ORVs:** Vegetation

**Key Points:**

- There is a significant amount of private land and landowner opposition to WSR designation in the lower reaches of the segment.
- Because the BLM manages the source water areas that produce baseflow for the creek, flow-dependent values could be protected through existing authorities.
- Existing authorities could provide significant protection for the Vegetation ORV by requiring that future BLM applications and actions be compatible with sustaining the riparian vegetation.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
1.26			0.31	1.57	80.3%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
401.5			84.7	486.2	82.6%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Not Suitable

**BASIS FOR RECOMMENDATION**

The subgroup recommends that the segment be found not suitable due to the short length, as well as a measure of self-protection already afforded by the steep slopes of the corridor and restricted access from private land. Land owners within the segment do not support finding the segment suitable.

## PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- One comment submitted by fourteen individuals expresses support for all the eligible Dolores River tributaries to receive immediate, thorough, and enduring protection.

**Opposing Suitability:**

- Montrose Board of County Commissioners has adopted a resolution opposing WSR designation as it is thought not to be in the best interest of Montrose County citizens.
- Four comments state that the creek does not require special designation to be protected.
- One comment opposes WSR designation because of the impacts to historic uses in the area.
- One comment notes that, while the length, location, and percentage of federally managed land might not warrant a finding of suitable, the segment should be protected in other manners to ensure its continuing contribution to the health of the watershed.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Water yield through the segment contributes significantly to the proper hydrologic function of La Sal Creek downstream, which is protected by an instream flow water right in the lower reaches that might also limit additional water development in Lion Creek. There is no instream flow water right protection for Lion Creek.

The Manning Ditch is an absolute water right (of 0.6 cfs) near the lower terminus that would be senior to any instream flow associated with WSR designation. There are no conditional water rights or impoundments within or upstream of the segment.

Changing points of diversion on existing water rights within the segment could be limited in the future by water rights associated with WSR designation. Enlarging the diversion amount or changing the diversion point of an existing water right within the segment would further reduce flow within the longer reach of the segment if the changes are decreed prior to securing water rights associated with WSR designation.

### **LAND OWNERSHIP AND USES**

Approximately 17.4% of the corridor consists of private lands zoned as General Agriculture in the Montrose County Master Plan. As presently defined in the Montrose County Zoning Resolution, the zone is relatively non-restrictive regarding allowable uses-by-right and uses requiring a special use permit. The property is a contiguous parcel located just upstream of the lower terminus, limiting the potential for impacts to the ORV.

### **Energy and Mineral Resources**

There are existing oil and gas leases within the segment. Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

### **ADMINISTRATION**

WSR designation would complement the BLM Colorado Public Land Health standard for riparian vegetation.

There is a significant amount of private land and landowner opposition to WSR designation in the lower reaches.

***Potential Costs Associated with WSR Designation***

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

Costs for administering and managing this segment for the riparian Vegetation ORV would increase moderately above current funding levels. The public land portion of this segment is remote and has no developed access, both factors that would assist in the protection of the ORV. The lower reach of this segment is private land within which the Lion Creek Corridor is bisected by Colorado State Highway 90.

The private land presently limits access to the public land portion of the corridor from the highway. Thus, acquiring portions of the private land from willing sellers would be value added for managing and providing public access to this segment if designated. A small amount of additional funding would be needed for signage, public education, ranger patrolling, and maintenance. Additional facilities would not be needed if designated. No detailed cost analysis or estimate was prepared as part of this study.

***Alternative Protective Measures Considered***

The Vegetation ORV could be protected through existing authorities by requiring BLM terms and conditions on all future water right and ROW applications and actions to ensure compatibility with sustaining the riparian vegetation.

### 33 - SPRING CREEK

**BLM Eligibility Classification: Recreational**
**ORVs: Vegetation**
**Key Points:**

- The segment is short and non-contiguous, with private land parcels near the lower terminus and along much of the middle portion.
- The BLM manages the source water areas that produce baseflow for Spring Creek, allowing for protection of flow-dependent values through existing authorities.
- The Vegetation ORV in the segment could be protected through existing authorities by ensuring that all future applications and actions contain BLM terms and conditions.

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
1.49			1.16	2.65	56.2%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
633.0			201.4	834.4	75.9%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation: Not Suitable**
**BASIS FOR RECOMMENDATION**

The subgroup recommends that the segment be found not suitable due to the short length and an extensive amount of interspersed private land that could make the segment difficult to manage, as well as a measure of self-protection already afforded by the steep slopes of the corridor.

## PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- One comment submitted by fourteen individuals expresses general support for all eligible tributaries of the Dolores River to receive immediate, thorough, and enduring protection.

**Opposing Suitability:**

- Montrose Board of County Commissioners has adopted a resolution opposing WSR designation, as it is thought not to be in the best interest of Montrose County citizens.
- Two comments express concern for the potential impacts of WSR designation on historic uses and water rights in the area.

- Two comments express opposition to WSR designation for Spring Creek because the large amount of private land could make the segment difficult to manage.
- One comment notes that historic and current agricultural zoning and uses have been adequate to protect the Vegetation OVR on non-federal lands.
- One comment notes that, while the length, location, and percentage of federally managed land might not warrant a finding of suitability, the segment should be protected by other means that ensure the continuing contribution of Spring Creek to the health of the watershed.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Although Spring Creek has no instream flow water right protection, water yield from the creek contributes flow to La Sal Creek, which is protected by an instream flow in the lower reaches that could restrict additional water development within the segment.

An absolute ditch diversion water right within the segment is senior to any water right associated with WSR designation. There are no conditional water rights or impoundments within or upstream of the segment.

Enlarging or changing diversion points on existing water rights within the segment prior to obtaining a federal reserved water right associated with WSR designation could further reduce flow within the reach. If the points of diversion are on public land, the water right could contain BLM terms and conditions limiting impacts to the Vegetation ORV.

### **LAND OWNERSHIP AND USES**

Approximately 24.1% of the corridor consists of private lands zoned as General Agriculture in the Montrose County Master Plan. As presently defined in the Montrose County Zoning Resolution, the zone is relatively non-restrictive regarding allowable uses-by-right and uses requiring a special use permit. Many of the uses are not related to agriculture. Private parcels cover much of the middle portion and lower terminus of the segment.

### **ROWs**

ROWs within the segment include Highway 90, a county road, a powerline, and a telephone line that parallels a portion of the creek.

### **Energy and Mineral Resources**

There are existing oil and gas leases within the segment. Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

### **ADMINISTRATION**

WSR designation would complement the BLM Colorado Public Land Health standard for riparian vegetation.

***Potential Costs Associated with WSR Designation***

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

Costs for administering and managing this segment for the riparian Vegetation ORV would increase slightly above current funding levels. The headwater, public land portion of this segment is remote and has no developed access, both factors that would assist in the protection of the ORV.

The middle and lower portions of this segment contain private land within which the Spring Creek corridor is bisected by Colorado State Highway 90. The private land currently limits highway access to public land portions of the segment. Thus, acquiring portions of private land from willing sellers would add value to managing and providing public access to this segment if designated. A small amount of additional funding would be necessary for signage, public education, ranger patrolling, and maintenance. Additional facilities would not be needed if designated.

***Alternative Protective Measures Considered***

The Vegetation ORV would receive significant protection by placing BLM terms and conditions on all future actions and activities within the segment.

## 34 - DOLORES RIVER, SEGMENT I

**NOTE:** The eligibility determination for this segment was made by the BLM Dolores Field Office.

**BLM Eligibility Classification:** Recreational

**ORVs:** Recreation, Scenery, Fish, Wildlife, Geology, Ecology, Archeology

**Key Points:**

- A wide array of ORVs occurs within the segment.
- A stream flow regime that mimics natural seasonal changes necessary for sustaining a healthy riparian vegetation community for the segment might only be secured through WSR designation.
- The segment is within the Dolores River Canyon Wilderness Study Area (WSA).

**River Segment Ownership (in Miles):**

BLM	USFS	State	Private	TOTAL LENGTH	% FEDERAL
9.56			2.32	11.88	80.5%

**Land Ownership within One-Half Mile Wide Corridor (in Acres):**

BLM	USFS	State	Private	TOTAL ACRES	% FEDERAL
2,790			557	3,347	83.4%

## RESOURCE ADVISORY COUNCIL SUBGROUP ASSESSMENT

**Recommendation:** Suitable for Wild Classification with Modifications

**BASIS FOR RECOMMENDATION**

The subgroup believes that a suitability recommendation complements the Wilderness Study Area designation and is consistent with other WSR designations for portions of the Dolores River outside of the BLM Uncompahgre Field Office. In order to avoid interference with mining operations, the subgroup recommends that the segment begin at the UFO boundary and terminate at the private land boundary (T47N/R18W/Section 31) south of Bedrock, and that the corridor extend from rim to rim or 1/4-mile from the high water mark (whichever measure is less).

## PUBLIC COMMENT SUMMARY

**Supporting Suitability:**

- Four comments recommend that the Dolores River receive immediate, thorough, and enduring protection, including reaffirming previous WSR suitability findings for this segment in the RMP revision.

- Four comments recommend prohibiting oil and gas leasing in the Dolores River Corridor to protect the ORVs.
- Three comments assert that this regionally significant river warrants consistent and coordinated management and protection throughout the entire public land portion.
- One comment notes that the segment was identified as eligible in the San Juan Public Lands Draft RMP, and is essentially a component of Dolores River, Segment 2. As such, its extensive and diverse ORVs and value-related flows warrant the highest possible protection.
- One comment identifies the Dolores River and its tributaries as the lifeblood for many human and wildlife communities in western Colorado and states that, in the face of accelerated change in the west, the unique geology, profoundly moving scenery, diverse recreational opportunities, and precious water resources of the river basin must be preserved.
- One comment stresses that the Dolores River is critical for the protection and enhancement of riparian ecosystems spanning the federal land management areas.
- One comment stresses that the Dolores River Corridor, including the Paradox Valley and its rich wildlife and cultural resources, should be managed in close cooperation with adjacent BLM field offices and private landowners.
- One comment elaborates on the special natural features of the river, noting that the river basin spans numerous BLM and USFS offices and should be cooperatively managed to ensure that the river's serenity and beauty can continue to be enjoyed and explored.
- One comment states that the Dolores River corridor requires coordinated management between various federal jurisdictions in order to preserve the ORVs for the future.
- One comment states that, while the UFO manages a smaller portion of public land and a shorter stretch of the river than two adjoining BLM field offices, the segment constitutes the core of the river ecosystem and urges the UFO to consider the greater ecological significance when making management decisions.
- One comment encourages the BLM to continue its dialogue with stakeholders concerning management of the river, and identifies the protection of riparian habitat as the BLM's main responsibility within the segment.
- One comment recommends that the full length of the segment be found suitable.
- One comment expresses the necessity of protecting the wild landscape and natural values in the area and recommends a decisive finding of suitable.

***Opposing Suitability:***

- Montrose Board of County Commissioners has adopted a resolution opposing WSR designation as it is thought not to be in the best interest of Montrose County citizens.
- One comment recommends exploring feasible management alternatives to WSR designation.
- One comment opposes WSR designation due to the lack of sufficient water in the Dolores River and potential negative impacts to water rights.

- One comment expresses concern that WSR designation would fragment the area, making it more difficult and costly to manage.
- One comment states that the segment receives adequate protection through existing federal, state, and local regulations.
- One comment opposes WSR designation due to potential negative impacts on historic uses and water rights in the area.

## **BLM ASSESSMENT**

### **WATER RIGHTS AND USES**

Water yield through the segment contributes significantly to the proper hydrologic function of the Lower Dolores River downstream. The CWCB holds a year-round 78 cfs instream flow water right along the entire segment, structured to protect the natural environment to a reasonable extent. The instream flow would also provide some protection to sustain the ORVs.

One pump diversion within the segment is located near the lower terminus. There are no conditional water rights within the segment.

The 2004 Statewide Water Supply Initiative identifies reservoir sites on Beaver Creek and Plateau Creek with flows into McPhee Reservoir that could be operated to increase flow in the Dolores River below McPhee Reservoir. The reservoir sites are a high priority for the Southwest Basins Roundtable of Colorado Interbasin Compact Committee. The report also identifies potential dam sites on the Dolores River in Paradox Valley and Slickrock, Colorado.

Flow through the segment is significantly diminished by the operation of McPhee Reservoir upstream. A large portion of natural water yield entering the reservoir is transferred out of the basin, primarily for agricultural use. Water rights associated with the reservoir are senior to an instream flow water right downstream.

Most future water demand will come from conservation practices and development of existing water rights, including some existing 141,000 acre-feet of conditional water rights in the basin. (SWSI 2004) Many of these are senior to both the existing instream flow water right and any instream flow associated with WSR designation.

### **LAND OWNERSHIP AND USES**

Approximately 12% of the corridor includes private land zoned as General Agriculture in the Montrose County Master Plan. As presently defined in the Montrose County Zoning Resolution, the zone is relatively non-restrictive regarding allowable uses-by-right and uses requiring a special use permit. Many of the uses are not related to agriculture and have the potential to conflict with the intent of the WSR Act.

### ***Special Designations***

Portions of the segment are within a Special Recreation Management Area. The majority of the segment is located within the Dolores River Canyon WSA. The WSA affords some interim protection for the ORVs. The lower northeast portion outside of the WSA consists of private land. Neither designation provides the authority to acquire flows necessary for sustaining the Vegetation ORV.

#### ***Rights-of-Way and Withdrawals***

ROWs on intermingled BLM lands outside the WSA include access roads serving private lands, utilities, and a pending water pipeline application.

Some lands within the corridor are managed by the Bureau of Reclamation and contain the administrative office building and injection well for the Paradox Basin Unit, Salinity Control Project.

While the entire BLM portion of the segment is within an area classified as a power site, the classification does not preclude WSR designation.

#### ***Energy and Mineral Resources***

Active mining claims occur within the corridor and have a prior existing right to mineral deposits.

### **ADMINISTRATION**

Access is limited on portions of the segment within the WSA. There is existing development and no land use controls on private portions of the segment.

WSR designation would complement BLM Colorado Public Land Health standards for special status species and wildlife.

Managing the segment to sustain native warm water fish is consistent with actions in the Range-wide Conservation Agreement and Strategy for Roundtail Chub (*Gila robusta*), Bluehead Sucker (*Catostomus discobolus*), and Flannelmouth Sucker (*Catostomus latipinnis*).

#### ***Potential Costs Associated with WSR Designation***

Upon finding a segment suitable, the stream and corridor would be managed to protect the ORVs, with little additional funding needed. Following formal WSR designation, additional funding would be required for signage, public education, ranger patrols, and maintenance, the amount of which would vary, depending upon projected increases in visitor use, as well as the segment's size, location, and other attributes.

Costs for administering and managing this segment for the Recreational, Scenic, Wildlife, Geologic, Ecologic, and Archeology ORVs would be similar to or slightly higher than current funding levels. The upper portion of this segment is within the Dolores River Canyon WSA, with access limited to a single track non-motorized, non-mechanized trail, factors that assist in protection of the ORVs.

The BLM presently incurs some costs on this area to implement the Interim Management Policy for Lands under Wilderness Review. However, additional visitor use resulting from WSR designation could generate the need for funding to develop staging facilities to support primitive recreation opportunities.

Lower portions of the segment downstream from the WSA include private lands. The BLM would pursue acquisition of selected tracts of private land from willing sellers as needed to support increased visitor use, and provide additional protection for the ORVs.

***Alternative Protective Measures Considered***

A portion of the segment is within the proposed Dolores River Slickrock Canyon ACEC, being considered during development of the Uncompahgre RMP.

Portions of the segment are within a Special Recreation Management Area. The majority of the segment is located within the Dolores River Canyon WSA. The WSA designation affords some protection for the ORVs in accordance with the Interim Management Policy for Lands Under Wilderness Review (H-8550-1).

Future private water right or ROW applications should include BLM terms and conditions to protect the ORVs.